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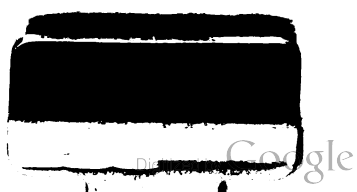
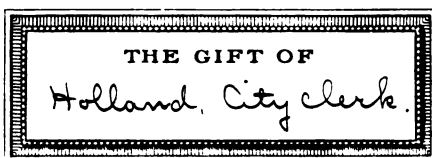
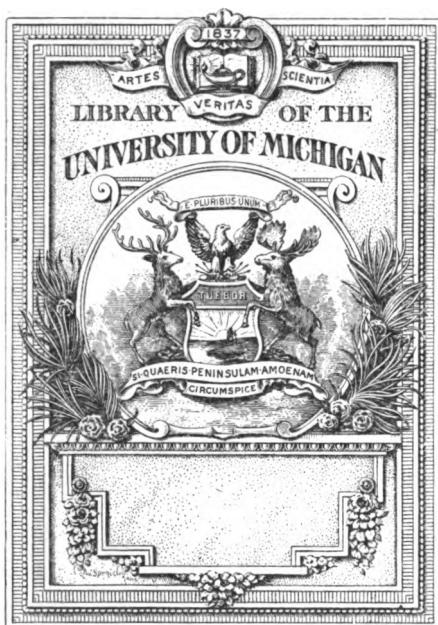
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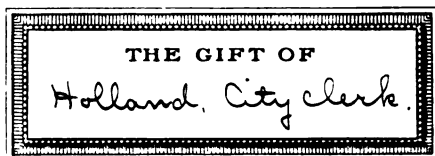
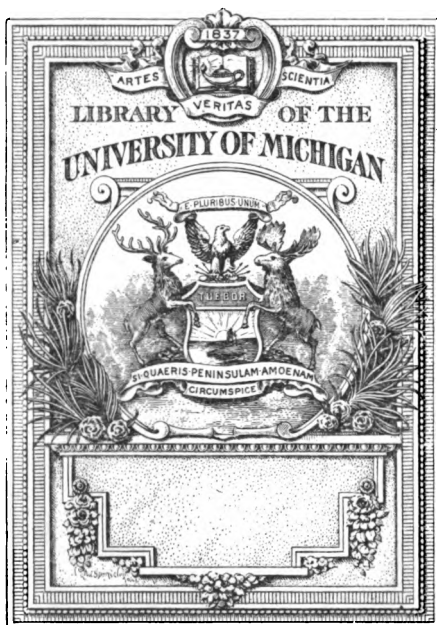
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CHARTER  
OF THE  
CITY OF HOLLAND



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1907



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916  
. H73  
A4  
1907





# CHARTER

OF THE

## CITY OF HOLLAND

### MICHIGAN. *Charters.*

---

Act No. 271 of the Local Acts of 1893, Approved March 8,  
1893, as Amended by Act No. 427 of the Local Acts of  
1899, Act No. 273 of Local Acts of 1903, Act No.  
500 of Local Acts of 1905, and Acts Nos. 417  
and 737 of Local Acts of 1907.



Printed by Authority of the Common Council.

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HOLLAND, MICH.  
HOLLAND CITY NEWS PRESSES  
1907





## MAYORS OF HOLLAND.

*ISAAC CAPPON.....	1867-68
*BERNARDUS LEDEBOER.....	1868-70
*ISAAC CAPPON.....	1870-71
*BERNARDUS LEDEBOER.....	1871-72
EDWARD J. HARRINGTON.....	1872-74
*ISAAC CAPPON.....	1874-75
*JOHN VAN LANDEGEN.....	1875-77
KOMMER SCHADDELEE.....	1877-79
*ISAAC CAPPON.....	1879-80
ENGBERTUS VAN DER VEEN.....	1880-81
*JOHN ROOST.....	1881-82
WILLIAM H. BEACH.....	1882-85
*ROKUS KANTERS.....	1885-86
PATRICK H. MCBRIDE.....	1886-88
CORNELIUS J. DE ROO.....	1888-89
HENRY KREMERS.....	1889-90
*OSCAR E. YATES.....	1890-92
EDWARD J. HARRINGTON.....	1892-93
GEORGE P. HUMMER.....	1893-95
GERRIT J. DIEKEMA.....	1895-86
JAMES DE YOUNG.....	1896-98
GERM W. MOKMA.....	1898-00
WILLIAM BRUSSE.....	1900-02
CORNELIUS J. DE ROO.....	1902-04
HENRY GEERLINGS.....	1904-06
JACOB G. VAN PUTTEN.....	1906-

\* Deceased.

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## IV                      RECORDERS AND CLERKS OF HOLLAND

### RECORDERS.

*HENRY D. POST.....	1867-69
*MARINUS HOOGESTEGER .....	1869-71

### CITY CLERKS.

*COENRAD HOFMAN.....	1871-72
CHARLES F. POST, to fill vacancy.....	1872-73
CHARLES F. POST .....	1873-75
GERRIT VAN SCHELVEN.....	1875-76
JOHN A. ROOST.....	1876-79
*GEORGE H. SIPP.....	1879-96
GERRIT VAN SCHELVEN, to fill vacancy.....	1896-97
WILLIAM O. VAN EYCK.....	1897-

\*Deceased.

NOTE—In 1871, the office of City Clerk was created, while the office of Recorder remained as a judicial office till 1873, when it was abolished. The term of office of the city clerk was reduced from two years to one in 1875, but was restored to two years in 1893. In 1907 the office of clerk of the Board of Public Works was made independent of that of city clerk.

## CITY MARSHALS.

*TEUNIS KEPPEL.....	1867-68
*JACOB VAN PUTTEN.....	1868-71
*ARIE WOLTMAN.....	1871-73
CORNELIUS BLOM, to fill vacancy.....	1873
JOOS VER PLANKE.....	1873-77
PETER KONING, to fill vacancy.....	1877
JOHN VAUPELL.....	1877-81
*MARTIN M. CLARK, to fill vacancy.....	1881
PIETER KONING.....	1881-82
EDWARD VAUPELL.....	1882-89
FRANK VAN RY, to fill vacancy.....	1889
RICHARD VAN DEN BERG.....	1889-90
BASTIAN D. KEPPEL.....	1890-92
FRANK VAN RY, to fill vacancy.....	1892
FRANK VAN RY.....	1893-96
JOHN C. DYKE.....	1896-98
HENRY J. DYKHUIS.....	1898-00
FREDERICK H. KAMFERBEEK, to fill vacancy.....	1900-01
FREDERICK H. KAMFERBEEK.....	1901-03
DIRK VANDER HAAR.....	1903-04
FREDERICK H. KAMFERBEEK.....	1904-05
HANS DYKHUIS .....	1905-06
FREDERICK H. KAMFERBEEK.....	1906-07

## CHIEFS OF POLICE.

FREDERICK H. KAMFERBEEK.....	1907-
------------------------------	-------

\* Deceased.

## VI CITY TREASURERS AND CITY ATTORNEYS

### CITY TREASURERS.

*GEORGE LAUDER.....	1867-68
*COENRAD HOFMAN.....	1868-71
*HERMANUS DOESBURG.....	1871-73
*ANNE FLIETSTRA.....	1873-75
*HENDRIK MEENGs.....	1875-78
DERK R. MEENGs.....	1878-80
*LEENDERT T. KANTERS.....	1880-81
DERK R. MEENGs.....	1881-82
CORNELIUS LANDAAL.....	1882-84
CORNELIUS VER SCHURE.....	1884-87
*WILLIAM VER BEEK.....	1887-91
JACOB G. VAN PUTTEN.....	1891-92
JOHN PESSINK.....	1892-94
WILLIAM BRUSSE.....	1894-96
HENRY VAN DER PLOEG.....	1896-97
GERRIT WILTERDINK.....	1897-05
RICHARD OVERWEG.....	1905-

### CITY ATTORNEYS.

*GEORGE N. SMITH.....	1867-68
EDWARD J. HARRINGTON.....	1868
BENJAMIN VOSPER.....	1868-69
*WILLIAM A. PRATT.....	1869-70
BENJAMIN VOSPER .....	1870-71
R. W. DUNLAP.....	1871-72
*JOHN ROOST.....	1872-73
GEORGE W. McBRIDE.....	1873-74
*HENRY D. POST.....	1874-75
GEORGE W. McBRIDE.....	1875-76
GERRIT VAN SCHELVEN, to fill vacancy.....	1877
JAMES TEN EYCK.....	1877-80
PATRICK H. McBRIDE.....	1880-86
GERRIT J. DIEKEMA.....	1886-90
PATRICK H. McBRIDE.....	1890-92
GERRIT J. DIEKEMA.....	1892-95
GEORGE E. KOLLEN.....	1895-05
CHARLES H. McBRIDE.....	1905-

\* Deceased.

## CITY OF HOLLAND.

INCORPORATED 1867.

## LIST OF ACTS

## OF THE LEGISLATURE OF THE STATE OF MICHIGAN, RELATIVE TO THE CITY OF HOLLAND.

- Act No. 423, S. L. 1867, Vol. 2, page 856.  
Act No. 316, S. L. 1869, Vol. 2, page 614.  
Act No. 237, S. L. 1871, Vol. 2, page 672.  
Act No. 17, S. L. 1872, page 33.  
Act No. 261, S. L. 1873, Vol. 2, page 980.  
Act No. 302, L. A. 1875, page 367.  
Act No. 268, L. A. 1877, page 70.  
Act No. 337, L. A. 1885, page 311.  
Act No. 474, L. A. 1887, page 578.  
Act No. 271, L. A. 1893, page 301.  
Act No. 427, L. A. 1899, page 257.  
Act No. 273, L. A. 1903, page 15.  
Act No. 500, L. A. 1905, page 420.  
Act No. 417, L. A. 1907.  
Act No. 737, L. A. 1907.

**Note.**—Act No. 316, S. L. 1869, authorized the City of Holland to act jointly with the Township of Holland in making loans and levying taxes for the improvement of Black Lake harbor.

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# AN ACT.

## TO RE-INCORPORATE THE CITY OF HOLLAND.

### TITLE I.

#### INCORPORATION AND BOUNDARIES.

##### The People of the State of Michigan Enact:

Section 1. That so much of the Township of Holland, <sup>Territory in-</sup> in the County of Ottawa, as is embraced in the following <sup>corporated.</sup> description, to-wit: Commencing at the southeast corner of section thirty-two; thence north on the east line of said section thirty-two to the northeast corner of said section thirty-two; thence east along the south line of section twenty-eight to the west north and south one-eighth line of section twenty-eight; thence north along the said west one-eighth line of said section twenty-eight, and along the west one-eighth line of section twenty-one until it strikes the center of the main channel of Black river; thence along said main channel of Black river and of Black lake in a westerly and south-westerly direction until it strikes the west line of section thirty; thence south along the west line of said section thirty to the southwest corner of said section thirty, thence east along the south line of said section thirty to the south quarter post of said section thirty; thence south along the north and south quarter line of section thirty-one until it strikes the county line between the Counties of Ottawa and Allegan; thence east along said county line to the southeast corner of section thirty-two, being the place of beginning, all in township five north, of range fifteen west, be and the same is hereby set off from said Township of Holland and declared to be a city, by the name of the City of Holland, by which name it shall hereafter be known.

Sec. 2. The city described in the preceding section, and the inhabitants thereof, from time to time, shall be and are hereby made a body politic and corporate, under and by the said name of the City of Holland, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which they are incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred. <sup>Body politic.</sup>



## REGISTRATION

Division into  
wards.

Sec. 3. The said city shall be and is hereby divided into five wards:

First ward.

**First,** The First ward shall embrace and include all that portion of the said city, lying north of Sixteenth street and north of the section line between sections twenty-eight and thirty-three, and east of Cedar street, and east of a line running parallel with the center line of said Cedar street, if extended north parallel with its present course;

Second ward.

**Second,** The Second ward shall embrace and include all that portion of the said city lying west of Cedar street and west of a line running parallel with the center line of said Cedar street, if extended north, parallel with its present course, north of Eighth street, and east of Tannery addition;

Third ward.

**Third,** The Third ward shall embrace and include all that portion of the said city lying west of Cedar street, north of Sixteenth street, south of Eighth street, and east of Pine street;

Fourth ward.

**Fourth,** The Fourth ward shall embrace and include all that portion of the said city lying north of Sixteenth street and north of the section line between sections thirty and thirty-one, west of Pine street, south of Eighth street, including also all of Tannery addition, and east of the west north and south one-eighth line of section thirty;

Fifth ward.

**Fifth,** The Fifth ward shall embrace and include all that portion of the said city comprised of section thirty-two, and the east half of section thirty-one.

Supervisor  
districts.

Sec. 4. The said city shall be and is hereby divided into two supervisor districts:

First district.

**First,** The First district shall embrace and include the First and Fifth wards of said city;

Second district.

**Second,** The Second district shall embrace and include the Second, Third and Fourth wards of said city.

## TITLE II.

## REGISTRATION.

Residence of  
voters.

Section 1. Every elector of said city shall vote in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals. **As amended by Act 427 of 1899.**

Board of  
registration,  
who to constitute.

Sec. 2. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of a change of boundary of any ward, or the formation of a new ward under the provisions of this act, or other cause, there shall not be any or a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward.

## REGISTRATION

3

Sec. 3. Each ward, unless otherwise subdivided, shall be an election district by itself. On the Saturday next preceding the general election, and on the Saturday next preceding the day of the regular city election or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each and every person then actually residing in the ward, and who, at the then next approaching election, may be a qualified elector and whose name is not already registered, to have his name entered in the register. Each member of the board of registration shall, for attending all the sessions of the board, receive for his services at such registration three dollars, and for all services at a general re-registration provided for by section six of this title, six dollars. **As amended by Act 417 of 1907.**

Sec. 4. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward of the city where the board of registration will meet, and at least eight days before such session of the board, the city clerk shall give notice by hand-bills posted in ten of the most public places in each ward, and by publication in one newspaper printed in the city, of the time and place in each ward, when and where the board of registration for such ward will meet. And except as in this act otherwise provided, the general laws of the State relating to the registration of electors in cities shall apply to the registration of electors in the city incorporated under this act.

Sec. 5. When changes shall be made in the boundaries of any ward or wards, the boards of registration of the respective wards affected by the changes shall meet previous to the time prescribed in this act for giving notice of their session preceding the next election, and the name of such registered elector known to have been transferred by such change from one ward to another ward shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

Sec. 6. The boards of registration of the city, at their sessions previous to the general election in November, in the year one thousand nine hundred, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the

registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year nineteen hundred and eight and every eighth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made. **Added by Act 427 of 1899.**

## TITLE III.

## ELECTIONS.

Annual election.

Section 1. An annual city election shall be held on the first Monday in April in each year, at such place or places in each of the several wards of the city as the council shall designate.

Special election.

Sec. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward, or in and for any wards constituting a supervisor district, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice to be given specifying officers to be chosen.

Sec. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election, in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held; and the proceedings and manner of holding the election shall be the same as at the annual election.

Notice of election to be given and posted.

Sec. 4. Notice of the time and place or places of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk, at least two weeks before such election, by posting such notices in five of the most public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes.

Sec. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Sec. 6. On the day of elections held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at seven o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls one hour, thirty minutes and fifteen minutes, respectively, before the closing thereof. **As amended by Act 427 of 1899.**

Opening and closing of polls.

Sec. 7. Two aldermen and a clerk in each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards under the provisions of this act, or by a change in the boundaries of existing wards, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, **viva voce**, such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election.

Board of inspectors.

New ward, and board of inspectors of.

Sec. 8. The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or when necessary the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector or clerk of election shall take the constitutional oath of office, which oath either of the inspectors may administer. Said inspectors and clerks shall each receive six dollars for each general or charter election, and five dollars for each special or primary election. **As amended by Act 417 of 1907.**

Chairman.

Oath.

Compensation.

Sec. 9. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county and district elections in their respective wards.

Inspectors of election.

Sec. 10. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Elections conducted as general elections.

Powers of inspectors.

Vote.

Sec. 11. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the ward or any supervisor district. The ballots cast upon any question or proposition submitted to be voted upon shall be separate, and be deposited in a separate box.

Vacancies.

Sec. 12. If at any election vacancies are to be supplied in any office, or, if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill the same shall be designated on the ballot.

Duty of inspectors and board.

Sec. 13. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written, the name of each elector voting at such elections, in two poll lists, to be kept by said inspectors of election, or under their direction. And such lists shall be so kept as to show the number and the names of the electors voting upon any question or proposition submitted to the vote of the electors.

Lists to be kept.

Canvass of votes.

Sec. 14. Immediately after closing the polls the inspectors of election shall, without adjourning, publicly canvass the votes received by them and declare the result; and shall, on the same day, or on the next day, make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; and the whole number of votes given upon each question voted upon, and the whole number of votes given for and against the same; which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists and the register of electors, and the boxes containing said ballots, in the office of the city clerk.

Canvassing votes, manner of.

Sec. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform, as nearly as may be, to the duties required of inspectors of election at such general elections.

Council to convene.

Sec. 16. The council shall convene on Thursday next succeeding each election, at their usual hour and place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates under the corporate seal of the city, of such determination, showing the result of the election upon any ques-

Clerk to make certificate, etc.

tion or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk of Ottawa County, and the other shall be filed in the office of the city clerk. File of certificates.

Sec. 17. The person receiving the greatest number of votes for any office in the city, or supervisor district or ward shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office. Who considered duly elected.

Sec. 18. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as hereinbefore provided, to notify each person elected, in writing, of his election; and he shall also within five days after the council shall appoint any person to any office in like manner notify such person of such appointment. Duty of clerk in certain cases.

Sec. 19. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing to the council the names of the persons elected or appointed to any office who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office. Oath to be filed.

## TITLE IV.

### OFFICERS.

Section 1. There shall be elected in said city a mayor, city clerk, city treasurer, and four justices of the peace, one of which justices of the peace shall be elected at each annual election. **As amended by Act 417 of 1907.** Elective city officers.

Sec. 2. In each ward two aldermen and a constable shall be elected, and in each supervisor district one supervisor shall be elected. Ward officers.

Sec. 3. The following officers shall be appointed by the council, viz.: A city attorney, city engineer, street commissioner, city physician, health officer, and city inspector, and the members of the several boards of the city. **As amended by Act 417 of 1907.** Appointive officers.

Sec. 4. All appointments to office by the council, except appointments to fill vacancies, and unless otherwise provided in this act, shall be made on the first Monday in May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council. All such appointments shall be by the vote of a majority of all the aldermen elected to office, except in case of a tie, when the mayor shall have the deciding vote. **As amended by Act 427 of 1899.** When to be made.

Terms of  
office.

Sec. 5. The mayor, city treasurer, supervisors and constables shall hold their office for the term of one year, from the first Monday in April of the year when elected. The city clerk shall hold his office for the term of two years, from the first Monday in April of the year when elected. The city treasurer shall be ineligible to hold his office longer than four years in any period of five years. All officers, whether elected or appointed, shall continue to serve until their respective successors have qualified and entered upon the duties of their office: Provided, That the city clerk in office at the date of the passage of this act, shall continue to discharge the duties of clerk of the board of public works, under the provisions of the act to which this act is amendatory, until the clerk of the board appointed under the provisions of this act shall have entered upon the discharge of his duties: And Provided further, That the city marshal in office at the date of the passage of this act shall continue to discharge all the duties of his office as provided in the act to which this act is amendatory and in the ordinances of the city until the chief of police, appointed by the board of police and fire commissioners under the provisions of this act, shall have entered upon the discharge of the duties of his office: And Provided further, That the city surveyor in office at the time of the passage of this act shall continue to discharge the duties of his office under the provisions of the act to which this act is amendatory, until the city engineer, appointed under the provisions of this act, shall have entered upon the discharge of the duties of his office: And Provided further, That the engineer of the fire department, in office at the date of the passage of this act, shall continue to discharge all the duties of his office as prescribed in the act to which this act is amendatory and in the ordinances of the city, until the fire marshal, appointed by the board of police and fire commissioners under the provisions of this act, shall have entered upon the discharge of the duties of his office. **As amended by Act 417 of 1907.**

Idem.

Sec. 6. At the first election of aldermen in the wards, one alderman shall be elected in each ward for the term of two years; and thereafter one alderman shall be elected annually in each year, for the term of two years from the first Monday in April in the year when elected, and until his successor shall be qualified and enters upon the duties of his office, except that in the Fifth ward there shall also be elected at said first election one alderman for the term of one year.

Appointive  
officers, term  
of.

Sec. 7. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office.

Sec. 8. An alderman appointed by the council to fill a vacancy shall hold the office only until the next annual city election. In all other cases any officer appointed to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred. ... <sup>Vacancy filled.</sup>

Sec. 9. Justices of the peace elected for the full term of four years shall enter upon the duties of their office on the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their office immediately upon taking the oath of office and giving the security, if any, required for the performance of the duties of the office. <sup>Justice of the peace, term of.</sup>

Sec. 10. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward or supervisor district, he must be an elector therein; and no person shall be elected or appointed to any office in the city who has been a defaulter to the city or to any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of any such defaulter shall be void. <sup>Qualification for office.</sup>

Sec. 11. Justices of the peace elected in the said city shall take and file an oath of office with the county clerk of the County of Ottawa, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers, elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk. <sup>Oath of office.</sup>

Sec. 12. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk of Ottawa County, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by, the mayor; and in case he shall enter upon the execution of the office before having filed his official oath and bond of security, and such other bond or security to the city as may be required by law, or by an ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer. <sup>Bonds.</sup>



Approval of  
bonds.

Sec. 13. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and examine them under oath as to their property: such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and endorsed upon or annexed to and filed with the bond or instrument to which it relates.

New bonds.

Sec. 14. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds, in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

Resignations.

Sec. 15. Resignations of officers, except school trustees, shall be made to the council, subject to their approval and acceptance.

Vacancies.

Sec. 16. If any officer shall cease to be a resident of the city, or if elected or appointed in and for a ward or supervisor district shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Idem.

Sec. 17. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Vacancies,  
how filled.

Sec. 18. A vacancy in the office of justice of the peace shall be filled at the next annual election. Vacancies in any other office, except school trustee, shall be filled by appointment by the council within twenty days after the vacancy occurs, or if the vacancy be in an elective office it shall be filled by an election or an appointment within thirty days after the vacancy occurs, in the discretion of the council.

Officers not  
released from  
liability by  
resignation.

Sec. 19. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

When officers  
to turn over  
books, records,  
etc.

Sec. 20. Whenever any officer shall resign or be removed from office or the term for which he shall have been elected or appointed shall expire, he shall on demand deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer and in any way appertaining

to his office; and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

## TITLE V.

### DUTIES AND COMPENSATION OF OFFICERS—THE MAYOR.

Section 1. The mayor shall be the chief executive officer <sup>Mayor.</sup> of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city <sup>Duties.</sup> government, and see that the laws relating to the city, and the ordinances and regulation of the council are enforced. He shall be *ex-officio* a member of the board of supervisors of Ottawa County.

Sec. 2. The mayor shall be a conservator of the peace, <sup>Powers and</sup> and may exercise within the city the powers conferred upon <sup>preservation</sup> sheriffs to suppress disorder; and shall have authority to com- <sup>of peace.</sup> mand the assistance of able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Sec. 3. The mayor may remove any officer appointed by <sup>May remove</sup> him at any time, for the neglect of duty. He shall have <sup>or suspend</sup> authority at all times to examine and inspect the books, rec- <sup>certain</sup> ords and papers of any of the boards of the city or of any <sup>officers.</sup> agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. **As amended by Act 417 of 1907.**

Sec. 4. In the absence or disability of the mayor, or of <sup>In case of</sup> any vacancy in his office, the president <sup>absence of</sup> *pro tempore* of the <sup>mayor.</sup> council shall perform the duties of the mayor.

### ALDERMEN.

Sec. 5. The aldermen of the city shall be members of <sup>Members of</sup> the council, and attend the meetings thereof and act upon <sup>council.</sup> committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

### CITY CLERK.

Sec. 6. The city clerk, in addition to such other duties <sup>Powers and</sup> as are herein prescribed, shall keep the corporate seal and <sup>duties of</sup> all the documents, official bonds, papers, files and records of <sup>clerk.</sup>

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the city, not by this act or the ordinances of the city intrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Clerk to be  
accountant.

Sec. 7. The city clerk shall, unless otherwise herein provided for, exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the city treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof. He may, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk, and such deputy shall be paid for his services by the clerk. The clerk shall be responsible for all the acts and defaults of such deputy.

Draw war-  
rants.

Deputy clerk.

Clerk's report.

Sec. 8. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

### TREASURER.

Duties of city  
treasurer.

Sec. 9. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay

no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of, and be charged with, all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund specified in the warrant. He may also, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer, so far as relates to the collection of taxes, subject to the control of the treasurer; and the city treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer.

To keep  
account of  
taxes, etc.

Deputy  
treasurer.

Sec. 10. The city treasurer shall be the collector of state and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe.

Treasurer to  
collect taxes,  
etc.

Sec. 11. The treasurer shall render to the clerk, on the first Monday of every month, and oftener if required, a report of the amounts received, and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury, since the date of his last annual report, classifying them therein by the funds to which such receipts are credited, and out of which such disbursements are made and the balances remaining in each fund; which account shall be filed in the office of the clerk, and shall be published in one of the newspapers of the city.

Monthly  
reports.

Annual ex-  
hibit.

Sec. 12. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the clerk with his monthly report.

Shall take re-  
ceipts.

Sec. 13. The city treasurer shall be the treasurer of the school district designated in this act as the "Public Schools of the City of Holland," and shall have the custody of the funds belonging to and receivable by such district from all sources for school and school house purposes. He shall receive from the county treasurer for the use of such district or city, all

City treasurer  
to be school  
treasurer.

To receive all  
money.

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school and library moneys coming to his hands to which the district or city shall be entitled, and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys the same as a township. He shall keep an account of all the moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe. Before entering upon the duties of his office, either as city treasurer or as treasurer of the public schools, the said treasurer shall give bond to the "Public Schools of the City of Holland" in such sum and with such sureties as the board of education shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time with further sureties as said board may require.

Bond.

Money to be  
kept separate.

Violation of.

Sec. 14. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

### CITY ENGINEER.

Sec. 15. The city engineer shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors; and like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, grades, surveys, building lines, diagrams and estimates, plans and specifications, profiles and field notes that may be required by the council or any of the several boards of the city, relating to the public improvements, buildings, grounds, parks, sewers, water-works, streets, cross-walks and sidewalks of the city, and shall be the custodian of and responsible for all such plats, maps, diagrams, plans, profiles and field notes, and all other records and memoranda of the city pertaining to his office, all of which he shall keep in proper order and condition with full and complete index. All of such plats, maps, diagrams, plans, profiles and field notes and other records and memoranda made by him or under his direction or control during his term of office shall be the property of the city. He shall, whenever directed by the common council, or any of the several boards of the city, as the case may require, be the engineer in charge of the con-

struction of the public improvements in the city, and of all public works done under contract. He shall exercise a general supervision over all sidewalks and crosswalks, and in the construction thereof shall, whenever directed by the common council, establish the grade thereof, and the lines along which they shall be built, and shall, pending the construction thereof, insist that such grades and lines be strictly observed and maintained. He shall promptly report to the common council all sidewalks and crosswalks that may be defective, obstructive or dangerous, and shall, subject to the direction of the common council, superintend the repairing or rebuilding thereof. He shall inspect all public buildings and buildings that are used for public assemblages, with a view of ascertaining whether the same are safe and well and sufficiently provided with means of speedy and safe egress in case of danger or sudden alarm, and whether they are provided with sufficient fire protection and fire escapes, as required by the laws of the state and the ordinances of the city; and in all cases when any such building is deemed by him to be not safe, or not provided with sufficient means of speedy and safe egress, or fire protection and fire escapes, he shall forthwith make a full and detailed report thereof to the common council. He shall require that all buildings erected within the city shall be in strict conformity with such building line or lines as may be prescribed by the ordinances of the city; and shall furthermore perform such other and additional duties as may be prescribed by resolution of the council or the ordinances of the city. **As amended by Act 417 of 1907.**

Sec. 16. Repealed by Act 417 of 1907.

Sec. 17. Repealed by Act 417 of 1907.

Sec. 18. Repealed by Act 417 of 1907.

#### CITY ATTORNEY.

Sec. 19. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council, the board of education, and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city. Duties of attorney.

#### CITY INSPECTOR.

Sec. 20. The city inspector shall, by virtue of his office, perform all the duties generally required of fire wardens, and shall examine all buildings of whatsoever character and nature, public and private, not herein otherwise provided for, with a view as to their safety against fire, and shall make report thereof to the common council in such manner as they may prescribe. He shall abate or cause to be abated all nuisances in anywise affecting the health and safety of the inhabitants of the city in such manner as may be required by the general

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laws of the state, and shall carry into effect all lawful orders of the health officer, and all orders and regulations of the board of health; he shall also carry into effect all orders and directions given him by the city engineer, and shall furthermore perform such other and additional duties as may be prescribed by resolution of the council or the ordinances of the city, or as may be directed by the mayor. **As amended by Act 417 of 1907.**

### STREET COMMISSIONER.

Duty of street  
commissioner.

Sec. 21. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, alleys, bridges, reservoirs, drains, culverts and public grounds, except public parks within the city, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council: Provided, That all labor, repairs and improvements upon the paved streets, bridges, reservoirs, drains and culverts of the city shall be under the direction of the city engineer. **As amended by Act 417 of 1907.**

Reports in  
writing.

Sec. 22. He shall make a report to the council in writing and on oath once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him, shall be made until reported on oath as aforesaid.

### CONSTABLES.

Constables,  
powers of.

Sec. 23. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all civil and criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services: Provided, They shall not have power to serve criminal process issued for breaches of the ordinances of the city. **As amended by Act 417 of 1907.**

Duty of.

Sec. 24. The constables of the city shall obey all lawful orders of the mayor, and for any neglect or refusal to perform any lawful duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk. **As amended by Act 417 of 1907.**

Penalty.

Security for  
performance  
of duty.

## SUPERVISORS.

Sec. 25. The supervisors of the several supervisor districts are authorized to perform within their respective districts the same duties in relation to the assessment of property and levying taxes for all purposes as are imposed by law upon supervisors elected in townships; and they shall have the like powers, and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed; they shall, together with the mayor, represent the city in the board of supervisors of the County of Ottawa, and such supervisors and the mayor shall have all the rights, privileges, and powers of the several members of such board of supervisors.

Powers and duties of supervisors.

To represent city on board of supervisors.

Sec. 26. The supervisors shall select and return lists of grand and petit jurors to the clerk of the county for their respective districts in the same manner and within the same time as the like duty is required to be performed by township officers.

Supervisors to make lists of jurors.

## JUSTICES OF THE PEACE.

Sec. 27. The justices of the peace elected in the city under the provisions of this act, shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the state. They shall have authority to hear, try, and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures, for violations of this act, and for encroachments upon, and injuries to, any of the streets, alleys and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in this act.

Jurisdiction of justices of peace.

Sec. 28. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and governed by the general laws applicable to courts of justice of the peace and to the proceedings before such officers.

General laws to govern in suits before justices.

Sec. 29. Every justice of the peace shall enter in the docket kept by him, the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings, and the judgment

Justices to make certain entries in docket.



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rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

Of fines, etc. Sec. 30. All fines, penalties and forfeitures collected or received by any justice of the peace for or on account of violations of the penal laws of the state, and all fines, penalties, forfeitures and moneys collected and received by such justice for or on account of violations of any ordinance of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk.

Reports. Sec. 31. Every such justice shall report on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

Disposition of fines, expenses. Sec. 32. All fines recovered for a violation of the penal laws of the state, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

Bond to city. Sec. 33. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

When guilty of misconduct. Sec. 34. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

To account for moneys. Sec. 35. Every justice of the peace of the city shall account on oath to the council, at their first meeting in each

month, for all such moneys, goods, wares and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

#### MISCELLANEOUS.

Sec. 36. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution. Other rights and powers of officers.

Sec. 37. The city clerk, city treasurer, city attorney, city engineer, street commissioner, and city inspector shall each receive such annual salary as the council shall determine by ordinance. The compensation of the supervisors for assessing and levying taxes, extending taxes upon their rolls and for all other services performed by them, shall be the same as provided by law. The mayor shall receive a compensation of one hundred dollars annually. Each alderman shall receive an annual compensation of fifty dollars. The school trustees and all members of boards, except as herein otherwise provided, shall serve without compensation. Justices of the peace, in issuing process and when engaged in causes and proceedings for violations of the ordinances of the city, may charge and receive such fees as are allowed to justices for like services by the general laws of the state. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensations as the council shall determine. **As amended by Act 417 of 1907.** Salaries and compensation of officers.

Sec. 38. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased during his term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased. Salary not to be changed during term of office.

### TITLE VI.

#### COMMON COUNCIL.

Section 1. The legislative authority of the city shall be vested in a common council consisting of the mayor, two aldermen elected from each ward, and the city clerk. Legislative authority.

Sec. 2. The mayor shall be president of the common council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote. Mayor to be president of council.

Sec. 3. On the first Monday in May in each year, the common council shall appoint one of their number president President pro tempore.

**pro tempore** of the council, who, in the absence of the president, shall preside at the meetings thereof and exercise the powers and duties of president. He shall have a vote upon all questions, but shall have no additional vote by reason of being the presiding officer, neither shall he exercise the veto power. In the absence of the president and president **pro tem**, the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and the duties of the president **pro tem**.

Clerk of council.

Sec. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of the proceedings of the council and perform such other duties relating to his office as the council may direct. In the absence of the clerk or his deputy, the council shall appoint one of their number to perform the duties of his office for the time being.

Duty of aldermen.

Sec. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote, unless excused therefrom by a vote of two-thirds of all the aldermen present. **As amended by Act 427 of 1899.**

Council to be judge of election of members.

Regular and special meetings.

Sec. 6. The council shall be judge of the election, returns, and qualifications of its own members. They shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor, or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Sessions to be public.  
Quorum.

Two-thirds vote in certain cases.

Appropriations.

Sec. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest thereon sold or disposed of, or private property taken for public use, unless by a concurring vote of two-thirds of all the aldermen-elect. Nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council: nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except

in case of a tie, when the mayor shall have the casting vote.  
**As amended by Act 427 of 1899.**

Sec. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays, when required by any one or more members, and be so entered upon the journal as to show names of those voting in the affirmative and those in the negative; and within ten days after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city. **As amended by Act 427 of 1899.**

Rules, etc.  
Voting.  
Proceedings to be published.

Sec. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Council may compel attendance of members.

Sec. 10. The city attorney, city engineer and street commissioner shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall, from time to time, prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members. **As amended by Act 417 of 1907.**

Who to have seats and take part in meetings.  
Certain officers can not vote.

Sec. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Control of finances, etc.

Sec. 12. Whenever by this act or any other provisions of law any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Ordinance may be enacted.

Sec. 13. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

Standing committees.

Sec. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and of all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept, as to be convenient of access and inspection; and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested

Records, etc., where kept.

Injury to  
books,  
records, etc.

therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning, or import of any thereof, from being known, shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Councilmen  
not to receive  
other compen-  
sation.

Sec. 15. No member of the council, or alderman, shall receive any compensation for his services, as councilman, alderman, committeeman, or otherwise, except as herein provided.

How removed  
and expelled.

Sec. 16. Any person appointed to office by the council, by authority of this act, may be removed therefrom by a vote of the majority of the aldermen-elect; and the council may expel any alderman or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen-elect. In case of elective officers, provisions shall be made by ordinance for preferring charges and trying the same; and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Charge in  
writing.

How to inves-  
tigate charges

Sec. 17. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

Attendance of  
witnesses.

Sec. 18. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Accounts.

Sec. 19. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation or with an affidavit of the person rendering it to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof,

except such as are indorsed or referred to in such account or claim, at the discretion of the council; and every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, certified, or verified as aforesaid, to the council for allowance; or that the claim was presented without the certificate or affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it. Account to exhibit what.

Sec. 20. No vote, motion or resolution passed by the common council, involving directly the expenditures of money, shall have any force or effect, if, within twenty-four hours after its passage, the mayor shall lodge in the office of the city clerk his reasons, in writing, why the same should not go into effect; and the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the common council be passed by a vote of two-thirds of all the aldermen then in office, and if so repassed, shall go into effect according to the terms thereof; and no such vote, motion or resolution shall go into operation until after the expiration of twenty-four hours after its passage, unless the mayor shall sooner announce in writing, to be filed with the city clerk, his approval thereof. Mayor's objection. Two-thirds vote.

## TITLE VII.

### GENERAL POWERS OF THE CORPORATION.

Section 1. The City of Holland, in addition to such other powers as are conferred by this act, shall have the following general powers and authority, and the common council of said city may enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations in relation thereto, and for the exercise of the same, as they may deem desirable, viz.: General powers of the Corporation.

**First,** To restrain and prevent vice and immorality, gambling, noise and disturbance of the public peace, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith; To restrain vice and immorality. To preserve peace.

**Second,** To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found drunk in any of the streets, parks or public places in the city, disorderly persons, and persons conducting themselves in a To punish disorderly conduct.

## 24 GENERAL POWERS OF THE CORPORATION

disorderly manner in any of the streets, parks or public places in the city, and common prostitutes;

To prevent in jury, etc.

**Third,** To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same and generally to determine and declare what shall be deemed nuisances;

To prohibit disorderly houses.

**Fourth,** To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance, and to punish the keepers and inmates thereof, and all persons lodged or found therein;

License billiard tables, etc.

**Fifth,** To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables and ball alleys, and to punish the keepers thereof;

Prohibit gaming.

**Sixth,** To prohibit and suppress every species of gaming and gambling, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming or gambling;

Spirituuous liquors.

**Seventh,** To prohibit and suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

S; spirituuous liquors.

**Eighth,** To prohibit and prevent the selling or giving of any spirituuous, fermented or intoxicating liquors, and to punish any person so selling or giving;

Sports, exhibitions, etc.

**Ninth,** To regulate, restrain, prohibit or license all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received, lectures on historic, literary, religious or scientific subjects excepted;

Violations of the Sabbath.

**Tenth,** To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled at any time for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

Auctioneers, etc.

**Eleventh,** To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to

license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

**Twelfth,** To license hawkers, peddlers and pawnbrokers and hawking and peddling; and to regulate and license the soliciting of orders from consumers, the sale or the peddling of goods, wares, merchandise, refreshments, or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or from boats, open places or spaces, public grounds, or buildings in the city; Hawkers and peddlers, etc.

**Thirteenth,** To license and regulate wharf boats within the jurisdiction of the city; Wharf boats.

**Fourteenth,** To regulate and license all taverns, hotels and houses of public entertainment; all saloons, restaurants and eating houses, and all places where tobacco, cigars and any beverages are kept for sale; and to prescribe, regulate, restrict and designate the location thereof; Hotels, etc.

**Fifteenth,** To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city, and regulate and fix their stands on the streets and public places, and at wharves, boat landings, railroad station grounds and other places; Transportation of persons.

**Sixteenth,** To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise; Inspection of hay, coal, etc

**Seventeenth,** To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures; Weights and measures.

**Eighteenth,** To provide for the sprinkling of the streets or parts of the streets of the city, and to pay for the same by special assessment levied in special street sprinkling assessment districts to be established for that purpose; such special assessment to be levied by feet frontage and collected in the same manner as provided in titles XXVII, XXVIII and XXIX of the act to which this act is amendatory for the levying and collecting of special assessments for special street improvements: Provided, That unless a majority of the persons to be assessed in any special street sprinkling assessment district shall petition therefor no such street sprinkling shall be ordered, except by the concurring vote of two-thirds of all the aldermen elected; Sprinkling of streets.

**Nineteenth,** To enforce the keeping and use of proper weights and measures by buyers and venders; Proviso.  
Proper weights.

**Twentieth,** To regulate the construction, repair and use Vaults, etc.



of all vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Obscene  
books, etc.

**Twenty-first,** To prohibit and prevent, in the streets or elsewhere in said city, indecent exposure of the person; the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Bathing.

**Twenty-second,** To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;

To clear  
rivers, etc.

**Twenty-third,** To provide for clearing the rivers, ponds, waters and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;

Slaughter  
houses, etc.

**Twenty-fourth,** To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house or rendering place, stable, barn, privy, sewer, hog pen or other offensive, nauseous or unwholesome structure, place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city;

Drainage, etc.

**Twenty-fifth,** To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same; or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;

Fraudulent  
games, etc.

**Twenty-sixth,** To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the maintenance, management or practice thereof;

Lotteries.

**Twenty-seventh,** To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same or aiding in the maintaining, directing or managing of the same;

Solicitors for  
passengers.

**Twenty-eighth,** To license and regulate solicitors for passengers or for baggage to and from any hotel, tavern, public house, wharf, boat or railroad; and to provide the places where they may be admitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehi-

cles and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

**Twenty-ninth,** To provide for the protection and care of paupers and poor persons in the city, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city, and to punish therefor;

**Thirtieth,** To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same;

**Thirty-first,** To regulate the keeping, storing, selling and using of gunpowder, firecrackers and fireworks, kerosene or other combustible oils and materials, and the exhibition of fireworks, and the discharge of firearms, and to regulate and prohibit the making and the lighting of fires in the streets or other open spaces in the city; and to regulate the use of lights in barns, stables and other buildings;

**Thirty-second,** To appoint, license and regulate scavengers and chimney sweeps, fix their fees and compensation and prescribe their rights and duties;

**Thirty-third,** To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, fruits, flour, meal and other provisions, and to establish and regulate markets and market places; to prescribe the times for opening and closing the same, the kind and description of articles which may be sold, and the stands and places to be occupied by the venders; and to adopt and enforce all such rules and regulations as may be necessary to prevent fraud and to preserve order and cleanliness in the markets; and to authorize and direct the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or her possession, and to authorize the seizure and destruction of tainted or unsound meats, fruits, vegetables or other provisions exposed for sale therein or anywhere else in the city;

**Thirty-fourth,** To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses, and to regulate and prevent the running at large of dogs, to require them to be muzzled, and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;

**Thirty-fifth,** To prohibit any person from bringing or depositing within the limits of the city any dead carcasses or other unwholesome or offensive substances, and to require the removal and destruction thereof; and if any person shall have

on his premises such substances or any putrid meats, fish, hides and skins of any kind, to remove or destroy the same, and on his default, to authorize the removal and destruction thereof as a public nuisance by some officer of the city;

Ringling of  
bells.

**Thirty-sixth,** To regulate the ringing of bells and the crying of goods and other commodities for sale at auction, and to prevent disturbing noises in the streets, sidewalks and other public or private places in the city;

Buildings.

Fine.

**Thirty-seventh,** To regulate and establish the line upon which buildings may be erected on any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner, builder or workman violating this provision; and to prevent the erection, repairing and remodeling of all buildings deemed unsafe, and provide for the removal of the same;

Fast driving.

**Thirty-eighth,** To prevent and punish horse racing and immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in the city, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in said city; and to prevent any person from riding or driving upon or across any sidewalk;

Markets.

**Thirty-ninth,** To regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same; to prohibit the sale of unwholesome meat, poultry, fish, fruits, vegetables or other articles of food or provisions, or the knowingly keeping or offering the same for sale; and to authorize the seizure and destruction of tainted or unsound meats, vegetables, fruit, fish and other provisions exposed for sale: Provided, nothing herein contained shall authorize the council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city;

Proviso.

Numbering of  
buildings.

**Fortieth,** To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;

Street  
lighting.

**Forty-first,** To provide for and regulate the lighting of the streets, alleys and public buildings and places and regulate the setting of street signs and posts, lamps and lamp-posts, and provide for the protection and safety of the same; and to regulate the placing and using of all street railway, telegraph, telephone and electric light posts, poles, conduits and wires;

Removal of  
fences, etc.

**Forty-second,** To require the owner or occupant of any building, fence or structure that may be ruinous or liable to fall and injure persons and property, or that may be unsightly and offensive, to pull down and remove the same, and to

authorize the same to be done by the officers of the city at the expense of the owner thereof;

**Forty-third,** To sell or otherwise provide for disposing of all dirt, filth, manure and debris lying in or gathered from the highways, streets, avenues, lanes, alleys or public places; and of all earth to be removed therefrom or from the public squares and grounds of the city, in grading, paving or otherwise improving the same; Dirt, filth, etc.

**Forty-fourth,** To provide grounds and places, either within or without the limits of the city, on which to deposit the rubbish, garbage and refuse material in and about the city, and to require the owners and occupants of any lot, building or premises in the city to remove therefrom any and all rubbish, garbage and refuse material found thereon or therein, and to deposit the same on such grounds; Rubbish grounds.

**Forty-fifth,** To control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of and prevention of wilful injury to gutters in said highways, streets, lanes and alleys; Manner of using streets.

**Forty-sixth,** To prevent, control and regulate the exhibition of signs on canvas or otherwise in and upon any vehicle standing or traveling upon the streets of the city; Signs.

**Forty-seventh,** To prohibit all practice, amusements and doings in said streets having a tendency to frighten teams or horses or endanger life or property; Street amusements.

**Forty-eighth,** To prohibit and punish the use of toy pistols, sling-shots and other dangerous toys or implements within the city; Dangerous toys.

**Forty-ninth,** To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held; Animals securely fastened.

**Fiftieth,** To regulate the placing and provide for the preservation of horse or hitching posts; Hitching posts.

**Fifty-first,** To provide for the care, custody and preservation of the public property of the city; Care of public property.

**Fifty-second,** To provide for, establish, regulate and preserve all such public fountains and reservoirs within the city as, in the opinion of the council, the convenience of the inhabitants may require; and also all such troughs and basins for watering animals as they may deem proper; Fountains, etc.

**Fifty-third,** To license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year. The license fee in such cases may be appor- Transient traders.

tioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: Provided, Such goods or merchandise have been assessed for taxes for said fiscal year;

Proviso.

Entrances  
and exits.

**Fifty-fourth,** To regulate the entrances to and exit from theatres, lecture rooms, churches, public halls and public buildings of every kind, and prohibit the placing of chairs, benches or other obstructions in the halls, aisles or open places therein;

Additional  
powers of  
council.

**Fifty-fifth,** And the council shall have further authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the state, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; and to provide means for paying its liabilities and defraying the contingent expenses of the city, subject only to the limitations and restrictions in this act contained; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever. **As amended by Act 417 of 1907.**

License coun-  
cil to pre-  
scribe terms.

Bond.

Sec. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, or otherwise conditioned, as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Penalties.

Terms of  
license.

Sec. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. The council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

To be paid  
city treasurer.

Sec. 4. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasury to the credit of the general fund.

Sec. 5. The council shall have authority to permit any railroad company or street railway company to lay its tracks and operate its road with steam, electric or other power, in or across the streets, highways and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such tracks, or the operating of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: Provided, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a two-thirds vote of all the aldermen elected, nor shall any such franchise be granted for a period exceeding thirty years: And Provided further, That no ordinance or resolution granting directly or by implication any franchise, whether the same be an original grant or an extension or amendment of an existing grant, shall become operative and of effect within thirty days from the date of its passage by the common council and approval by the mayor, or within thirty days from the time herein above allowed the mayor to approve the same after its presentation to him, or within thirty days from the date of its repassage over his veto. If, within such period of thirty days, the electors of the city, to the number of not less than twenty-five per cent of the total vote cast for the office of mayor at the last preceding annual charter election, shall petition the common council for the submission of such ordinance or resolution to the vote of the electors of the city for their approval or rejection, then such proposed measure shall not go into effect, but the same shall be so submitted to the vote of the electors, at an annual or special election, as the common council may direct. Such election, and the canvassing of the votes and declaring of the result thereof shall in all respects be governed by the provisions of the act to which this act is amendatory applicable to the holding of annual or special elections, as the case may be. If a majority of the votes cast at such election shall be against the approval of such proposed measure, the same shall be held as not having been passed and be void and of no effect. If a majority of the votes so cast shall be in favor of the approval of such proposed measure the same shall be valid and take effect the day after such election. **As amended by Act 417 of 1907.**

Sec. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad tracks, to conform to street grades which are or may be established by

Railroads.

Franchise.

Referendum.

Change of location, etc., of crossings.

the city from time to time; and to compel any railroad company or street railway company to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five nor more than fifty dollars upon the company, and to punish any engineer, motorman or conductor violating any ordinance regulating the speed of trains, by a fine of not less than five nor more than fifty dollars and costs of prosecution, and in default of the payment thereof, to imprison the offender not less than ten nor more than sixty days. **As amended by Act 427 of 1899.**

Flagmen.

Speed of trains.  
council may compel railroad companies to keep open ditches, etc.

Sec. 7. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause. **Added by Act 427 of 1899.**

Council to enact certain ordinances.

Sec. 8. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, re-building, maintaining and repairing of partition fences, by the owners and occupants of adjoining lots, enclosures and parcels of land in the city; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the city. **Added by Act 427 of 1899.**

Fence viewers.

Provision for support of paupers.

Sec. 9. The council may make such provision they shall deem expedient for the support and relief of paupers

and poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of one or more directors of the poor for the city, and may prescribe their duties, and vest them with such authority as may be proper for the due exercise of their duties. **Added by Act 427 of 1899.**

Sec. 10. The council is authorized and empowered to receive and accept such gifts, donations, bequests and legacies as they may deem to be for the good of the municipality or the inhabitants thereof. **Added by Act 427 of 1899.** Gifts, donations, etc.

## TITLE VIII.

## ORDINANCES.

Section 1. The style of all ordinances shall be, "The City of Holland ordains." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage. Style of ordinances.

Sec. 2. When, by the provisions of this act, the council has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures, not exceeding one hundred dollars, unless a greater fine or penalty is herein authorized, together with the costs of prosecution, or imprisonment not exceeding ninety days, or both, in the discretion of the court, and may provide that the offender, on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding ninety days unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the County of Ottawa, or in such other prison or place of confinement, in the state, as the council may prescribe, and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and costs of prosecution, and imprisonment for the violation of any ordinance, shall be prescribed therein. May prescribe fines. Failing to pay.

Sec. 3. On the same day or on the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor for his approval. No ordinance shall be of any force without the written approval of the mayor, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed, or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of Mayor to approve ordinances. Two-thirds vote.



its re-enactment shall be deemed to be the time of its passage.

Clerk to  
certify.

Sec. 4. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall at the next meeting of the council report any ordinance returned with objections thereto.

To be  
re-enacted.

Sec. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

Clerk to  
record.

Sec. 6. All ordinances when approved by the mayor or when regularly enacted or re-enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Ordinances  
to be  
published.

Sec. 7. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after such publication enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made. In like manner the clerk shall record and certify to any and all action that may be had under the provisions of section five of Title VII, with reference to ordinances granting franchises, when such ordinances shall have been submitted to a vote of the people.  
**As amended by Act 417 of 1907.**

Courts to  
take judicial  
notice.

Sec. 8. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising under the ordinances thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings:

**First,** From a record thereof kept by the city clerk;

**Second,** From a copy thereof or of such record thereof, certified by the city clerk under the seal of the city;

**Third,** From any volume of ordinances purporting to

have been written or printed by authority of the council.

Sec. 9. Prosecutions for violations of any of the ordinances of the city shall be commenced within two years after the commission of the offense; and shall be brought within the city, or in the County of Ottawa.

Prosecutions must be begun within two years.

Sec. 10. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Penalty, how recovered.

Sec. 11. Such action shall be brought in the name of the City of Holland and shall be commenced by summons. The form, time of return and service thereof, the pleadings and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the state. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

Action to be in name of city.

Proceedings.

Sec. 12. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant, for the arrest of the offender.

May be by warrant.

Sec. 13. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

Warrant to be in the name of the people.

Judgment  
on, etc.

Sec. 14. If the accused shall be convicted the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Execution of.

Sec. 15. Every such judgment shall be executed by virtue of an execution or warrant specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in sections ten and eleven of this title shall issue forthwith. If judgment be for both fine and costs and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and costs and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid; and in the latter, for the term named in the sentence.

Use of  
county jail.

Sec. 16. The city shall be allowed the use of the jail of the County of Ottawa, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process, how  
directed.

Sec. 17. All process issued in any prosecution or criminal proceeding for the violation of any ordinance of the city, shall be directed to the chief of police or any member of the police force of the City of Holland and may be executed in any part of the state by said officers. The ordinances of the city and the rules and regulations of the common council and of the several boards of the city now in force and not inconsistent with this act, the provisions and enforcement whereof may be in anywise affected by the passage of this act, are hereby re-enacted by virtue of and under the powers conferred by this act and the act to which this act is amendatory, and shall continue in force until altered, amended or repealed by the common council or the several boards, as the case may be. As amended by Act 417 of 1907.

Sec. 18. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval; and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence, and provisions of ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Cause of  
action, how  
set forth.

Sec. 19. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Trial by jury.

Sec. 20. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant as aforesaid may remove the judgment and proceedings into the circuit court for the County of Ottawa, by appeal or writ of **certiorari**; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and **certiorari** in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by **certiorari**, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and **certiorari** in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by **certiorari** shall also take judicial notice of the ordinances of the city and the resolutions of the council, and of the provisions thereof.

May be taken  
into circuit  
court.

Fines, to  
whom may  
be paid.

Sec. 21. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Neglect to  
pay over.

Sec. 22. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

How  
disposed of.

Sec. 23. Fines paid into the city treasury for violations of the ordinances of the city shall be disposed of as provided in Title XII of this act. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Circuit court  
to have  
jurisdiction.

Sec. 24. The circuit court of the County of Ottawa shall have jurisdiction to hear, try, and determine on appeal, or by writ of *certiorari*, all causes arising under the ordinances of the city for violations thereof. The proceedings in the circuit court in all such cases shall be the same as in prosecutions brought on appeal or by writ of *certiorari* for violations of the criminal laws of the state; and the general laws of the state regulating prosecutions in criminal cases, and to recover penalties, shall apply.

Security may  
be required.

Sec. 25. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted, and it shall appear to the satisfaction of the court that there was no just ground for the complaint.

## TITLE IX.

## BOARD OF POLICE AND FIRE COMMISSIONERS.

Section 1. All the powers and duties connected with and incident to the government, maintenance and discipline of the police department and of the fire department of the city shall, subject to the limitations herein set forth, be vested in and exercised by a board of three commissioners, who shall be freeholders and electors of the city. Such board shall be known and designated as The Board of Police and Fire Commissioners. They shall be appointed by the common council on the first Monday in May, and shall hold their office for the term of three years each, except that at the first appointment, in nineteen hundred seven, one commissioner shall be appointed for one year, one for two years and one for three years, from the first Monday in May of the year when so appointed, and annually thereafter one member shall be appointed for three years. The council may remove any member so appointed for inattention to his duties, for want of proper judgment or qualification in the discharge of the duties required of him, or for other good and sufficient cause. **As amended by Act 417 of 1907.**

Police and fire commissioners.

Appointment.

Term of office.

Sec. 2. The board shall organize annually, in the month of May, and elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be ex-officio clerk of the board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by the board, and he shall have charge of all their books, records and papers, exercise a general supervision over their accounts, and keep a separate account of the financial affairs of each department. **As amended by Act 417 of 1907.**

President.

Clerk.

Sec. 3. The board shall, subject to the approval of the common council, fix and determine the compensation of all the officers and men in their employ or under their jurisdiction, except that of the clerk. They shall have authority to prescribe and enforce reasonable fines and penalties for the breach of any of its rules or regulations on the part of any member of either department. All accounts for expenditures incurred by the board shall, after the same shall have been approved by the board, be certified by the clerk to the common council, and if found to be correct and proper, the latter shall direct the same to be paid by warrant drawn on the city treasurer, payable out of the police fund or the fire department fund, as the case may be. **As amended by Act 417 of 1907.**

Compensation of officers and men.

Fines.

Expenditures.

Sec. 4. The board shall annually, on the third Monday in April, and oftener when required, make to the common council two reports, one embracing the police department and

Annual reports.

Police  
department.

the other the fire department. The report for the police department shall contain the number of men in the service, giving their names, ages, positions and compensations; also, an itemized statement of all moneys received, the disposition made thereof and expenditures incurred by them during the preceding fiscal year; also, all arrests made by the police force and prosecutions had, together with the nature of the offense, the date and final disposition thereof, and the amount of fines, penalties and forfeitures and costs of prosecution imposed and collected. It shall also review the state of the service, the condition of the jail and the police property and equipment in their care and control, giving a complete inventory thereof, with such recommendations of the needs and requirements of the department as the board may deem proper to make. The report for the fire department shall review the state of the department, giving the number of men in the service, their names, ages, positions and compensations; also, all fires during the preceding fiscal year, the causes thereof, the amount of damages sustained, and the amount of insurance recovered therefor; also, the condition of the property and fire apparatus belonging to the city, together with a complete inventory thereof, with such recommendations of the needs and requirements of the department as they may deem proper to make. **As amended by Act 417 of 1907.**

Fire  
department.

#### POLICE.

Duties of  
board.

Sec. 5. The board is hereby charged and entrusted with the following duties, powers and responsibilities:

Police.

**First,** The supervision, management and discipline of the police department of the city, and the power to make and enforce all necessary rules and regulations for the government thereof;

Chief of  
police.

**Second,** The appointment of a chief of police, policemen, detectives, special policemen and watchmen, who shall constitute the police force of the city, and such other employes as they may deem necessary, all of whom shall hold their respective appointments during the pleasure of the board: Provided, That the number of policemen so appointed, exclusive of special policemen and watchmen, shall at no time exceed two for every three thousand inhabitants of the city: And Provided further, That the appointment of a chief of police shall be made subject to the confirmation of the common council;

Number of  
policemen.

Confirmation  
of chief.

Uniforms.

**Third,** To prescribe suitable uniforms and badges for officers and members of the police department;

Patrol boxes.

**Fourth,** To have the care, control, custody and jurisdiction of the patrol boxes of the city, and also of the city jail and the grounds on which it is located;

**Fifth,** To make all purchases necessary for the efficiency and management of the police department. **As amended by Act 417 of 1907.**

Sec. 6. The board shall prescribe the duties of the chief of police and of all officers and men on the police force of the city, and shall make provision for the preservation of the public peace, the prevention of crime, the arrest of all offenders against the peace and good order of the city, and of all persons violating any of the ordinances of the city or the penal laws of the state. They shall provide for the preservation of order and the protection of the rights of all persons and property at fires, and at railroad depots and steamboat landings. It shall be their duty at all reasonable times, whenever consistent with the regulations of the board and the provisions of this act, to furnish all information desired and comply with all requirements made by the common council or the mayor. **As amended by Act 417 of 1907.**

Purchases.

Duties of policemen and officers.

Sec. 7. The chief of police, subject to the direction of the board, shall have the superintendence and direction of all the policemen, detectives, special policemen, and watchmen in the city. It shall be his duty to see that the jail, the patrol boxes, and all police property and equipment are kept in good order, and that all the rules and regulations and ordinances relative to the police department are duly enforced. **Added by Act 417 of 1907.**

Duties of chief of police.

Sec. 8. The board may appoint as many special policemen, with or without compensation, in times of emergency, or in case of riot or danger from riot, as they may deem expedient, or as the common council or mayor may request. They may also, whenever it is deemed proper by them, appoint any number of special policemen to do duty at any designated place within the city upon the application of any person or persons showing the necessity therefor, but at the expense of such person or persons. The special policemen so appointed shall perform duty only at the place or places designated by the board and shall continue in office during the pleasure of the board. **Added by Act 417 of 1907.**

Special police.

Sec. 9. All persons appointed by the board to the police force shall be citizens of the United States and shall have been continuous residents of the city for at least six months next preceding such appointment. The board may prescribe and adopt such system of reports from the members of the force to the chief and from the chief to the board as they shall find desirable, and shall require a bond in such amount and with such sufficient sureties as they may determine from the chief of police to the city; they may also, in their discretion, require a bond with sufficient sureties from any officer or member of the police force for the proper and faithful perform-

Requirements for appointments.

Bonds.



ance of his duties. **Added by Act 417 of 1907.**

Powers of  
police.

Sec. 10. It shall be the duty of the police force, under the direction of the mayor, and in conformity with the ordinances of the city and the laws of the state, to suppress all riots, disturbances and breaches of the peace; and they shall arrest upon view, and without process, any person in the act of violating any ordinances of the city, or of committing any crime against the laws of the state. It shall also be the duty of the police force to pursue and arrest in any part of the state any person charged with a criminal offense committed within the corporate limits of the city, and to apprehend and detain within the city any person fleeing from justice or suspected of crime; also to apprehend within the city any and all persons in the act of committing any offense against the penal laws of the state or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of having violated within the city any of the penal laws of the state or ordinances of the city; to enforce all laws, ordinances and regulations for the preservation of good order and the public welfare; and within the city to serve and execute all criminal process, directed or delivered to them for service, and for such purposes the chief of police and every policeman shall have all the powers of constables. The chief of police and any policeman may also serve and execute within or without the limits of the city all criminal process in all suits and proceedings for violations of the ordinances of the city, and may also, within or without the limits of the city, serve and execute any writ of commitment, mittimus or subpoena in any criminal proceeding instituted before any justice of the peace of the city. **Added by Act 417 of 1907.**

Criminal  
proceedings.

Officers' fees.

Fees paid to  
city treasurer.

Sec. 11. In all criminal proceedings before any justice of the peace of the city, whether for the violation of the penal laws of the state or of the ordinances of the city, when in the final judgment of any such case, any officer's fees shall be assessed therein for services rendered by a member of the police force of the city, such fees shall be the same as are allowed by law to constables for like services, and such fees after having been paid in and collected by such justice, instead of being paid to such police officer shall be paid to the city treasurer, such payment to be made before the first Monday next after the collection or receipt thereof. The city treasurer shall give his receipt therefor in duplicate, one of which the justice shall file with the clerk of the board, together with his report as required by section thirty-one of title five of the acts to which this act is amendatory: **Provided, That in all cases**

brought for the violation of the penal laws of the state where such fees shall not be paid to such justice the same shall be a charge against the county, to be audited and paid by the board of supervisors, as provided by the general laws of the state. In the collection of such accounts the chief of police shall represent the city, and it shall be his duty to present such accounts to the board of supervisors, collect the money therefor and pay the same to the city treasurer at the same time and in like manner as is provided in section thirty of title five. **Added by Act 417 of 1907.**

Fees col-  
lected from  
county.

## FIRE.

Sec. 12. The board is furthermore charged and entrusted with the following duties, powers and responsibilities:

Duties of  
board.

**First,** The supervision, management and discipline of the fire department of the city;

Fire depart-  
ment.

**Second,** The appointment of a fire marshal, assistant fire marshal, firemen, hosemen, hook and ladder men, drivers, and such other employes as they may deem necessary, all of whom shall constitute the fire department of the city, and who shall hold their respective appointments during the pleasure of the board: Provided, That the number of firemen, hosemen, hook and ladder men, drivers, and of other employes to be appointed shall first be submitted to the common council for their approval: And Provided further, That the appointment of a fire marshal shall be made subject to the confirmation of the common council;

Fire marshal.

Firemen.

Number of  
firemen.

Confirmation  
of fire  
marshal.

**Third,** To prescribe suitable uniforms and insignia of office for the members of the fire department;

Uniforms.

**Fourth,** To have the care, control, custody and jurisdiction of all engine houses, fire engines, hose carts, hook and ladder trucks, horses, hose, implements, tools, bells, and all other apparatus and property of whatsoever nature connected with the fire department of the city, except the fire alarm system and fire hydrants;

Control of  
engine  
houses, etc.

**Fifth,** To make all purchases necessary for the efficiency of the service and maintenance of the fire department: Provided, That whenever the expense of any purchase of whatsoever nature or the repairs of any building shall exceed the sum of two hundred dollars, the board shall first submit estimates and plans thereof to the council for their approval, and when so approved the board shall make such purchases or repairs. **Added by Act 417 of 1907.**

Purchases.

Limitation of  
expenditures.

Sec. 13. The fire marshal, under the direction of the board, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, horses and all other property and conveniences for the extinguish-

Duties of  
fire marshal.

ment and prevention of fire, and it shall be his duty to see that the same are at all times kept in order, and that the rules, regulations and ordinances relative to the fire department and the prevention and extinguishment of fires are duly executed, and whenever required by the board, to make detailed and particular reports of the state of the department, the conduct of the members thereof, and of such other matters as may be required by the board. **Added by Act 417 of 1907.**

Duties of  
firemen.

Bonds.

Requirements  
for appoint-  
ments.

Rules and  
reports.

Sec. 14. The board shall prescribe the duties of the fire marshal and of all officers and members of the fire department, and may, in its discretion, require from the fire marshal and the assistant fire marshal a bond with sufficient sureties for the proper and faithful performance of their duties. All persons appointed to the fire department by the board shall be not less than eighteen years of age, and shall have been continued residents of the city for at least three months next preceding such appointment. **Added by Act 417 of 1907.**

Sec. 15. The board shall prescribe the necessary rules and regulations for the government of the members of the fire department at fires, to preserve property and prevent it from being stolen, and to extinguish and prevent the spreading of fires; but in no case shall any member of the board or any officer of the city control or direct the fire marshal or assistant fire marshal during any fire. The board shall require reports from the fire marshal of all fires, fire alarms, losses and insurance recovered on all property destroyed and keep a proper record thereof. **Added by Act 417 of 1907.**

## TITLE X.

### PUBLIC HEALTH.

Council may  
enact laws for  
preservation  
of health.

Section 1. The common council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof, and for the removal of persons having such diseases, or who, from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may provide and prescribe, and the public safety may require.

Nuisances.

Sec. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or

cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Sec. 3. If any cellar, vault, lot, sewer, drain, privy, sink, place or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Cellars,  
vaults, etc.

Sec. 4. If any person, corporation, firm, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, firm or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, amending, or purifying any lot, cellar, vault, sewer, drain, privy, sink, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises, and collected as a special assessment.

Neglect to  
abate nuis-  
ances.

Sec. 5. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city, for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignment at pleasure; and whenever a business carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Offensive  
trades.

Hospitals.

Sec. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, quarantine grounds or buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employes for the care and management thereof, and for the care and treatment therein, of such sick, diseased or infected persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having any malignant, infectious or contagious disease, as well as all persons who have been exposed to any such disease, may be removed to such hospital or quarantine grounds, and there be detained and treated when, in the judgment of the common council or the board of health, the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital or quarantine grounds until duly discharged.

Council to  
have powers  
of board of  
health.

Sec. 7. The council shall also have, and exercise within, and for the city, all the powers and authority conferred upon boards of health by the general laws of the state, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Health off-  
icers, etc.

Sec. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the general laws of the state, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health, or any officers thereof.

## TITLE XI.

### PARKS AND CEMETERIES.

To have  
parks and  
cemeteries.

Section 1. The City of Holland may by gift, or purchase, or by transfer and conveyance from cemetery associations heretofore organized under the general laws of the state, acquire, hold and own such public parks, playgrounds, cemetery, or public burial places, either within or without the limits of the corporation, as in the opinion of the council may be necessary for the public welfare, or suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interment there-

in to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere, and may provide for and compel the keeping and return of bills of mortality. **As amended by Act 417 of 1907.**

Sec. 2. The council may annually within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of public parks and cemetery grounds, and for the improvement, adornment, protection and care of such public parks and cemetery grounds, and of such avenues and streets or parts thereof as may be set apart for park purposes, under the provision of section four of this title. The council shall also be authorized to extend the water mains of the city to any cemetery that may be situated without the corporate limits of the city. **As amended by Act 417 of 1907.**

Sec. 3. The council shall appoint five trustees, who shall be freeholders and electors in the city, who shall constitute the board of park and cemetery trustees. They shall hold their office for the term of five years each, except that at the first appointment one shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed for five years. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. All accounts for expenditures incurred by such board shall, after the same shall have been duly approved by the board, be audited by the council, and if correct and proper, the council shall direct payment thereof out of the park fund or cemetery fund of the city, as the case may be.

Sec. 4. The board of park and cemetery trustees shall appoint one of their number president and the city clerk shall be clerk of the board. The council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management and preservation of the public parks of the city, the cemetery grounds, the tombs and monuments therein, and the appurtenances thereof. The council may also, by ordinance, designate and set apart for park purposes a strip of land of such length and width along the sides or center thereof in such of the avenues and streets of the city as they may select, for improvement and adornment, and thereupon such part of such avenue or street so set apart shall be under the direction, control and management of the board of park and cemetery trustees in like manner and for like purposes as are the public parks of the city. In addition to the duties

Raise  
money, etc.

Water mains.

Park and  
cemetery  
board.

Term of  
office.

Council may  
remove any  
trustee.

Accounts.

President  
and clerk.

Boulevards.

herein mentioned, the board shall perform such other duties as the council may prescribe. **As amended by Act 417 of 1907.**

Board to have  
care of park  
and cemetery.

Sec. 5. The board, subject to the directions and ordinances of the council, shall have the care and management of all public parks, cemeteries and burial places, and of the sidewalks and terraces adjacent thereto, and shall direct the improvement and embellishment of the grounds, cause all burial grounds to be laid out into lots, avenues and walks, the lots to be numbered, and the avenues and walks to be named, and the plats thereof to be made and recorded in the office of the clerk. The board shall fix the price of cemetery lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the president and clerk and be recorded in the office of the clerk. The fees for recording such conveyances shall be the same as are allowed by law to registers of deeds for like services; they shall be paid by the purchaser to the clerk and by him paid over to the city treasurer. **As amended by Act 417 of 1907.**

Superinten-  
dent of.

Sec. 6. Said board shall appoint the necessary superintendents and employees, expend the money provided for the care and improvement of the several grounds, enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the park and cemetery grounds, monuments, and appurtenances of the parks and cemeteries, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city, and the laws of the state.

Cemetery  
fund.

Sec. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and constitute a general fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purposes, except the purposes of such cemetery. All moneys raised or received for the purchase and improvement of any of the public parks of the city shall be placed into the city treasury, and shall constitute a general fund, to be denominated the "park fund." Said fund shall not be devoted or applied to any other purposes, except the purposes of such public parks.

Reports of  
board of trus-  
tees.

Sec. 8. The board of trustees shall annually on the third Monday in April, and oftener when the council shall so require, make to the common council two reports, one of which shall embrace all work performed, moneys received, and expenditures made by them in relation to the several public parks of the city; the other report shall embrace a complete statement of all moneys received into and owing to the ceme-

tery fund, and from what source, and from whom, and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported, which several reports shall be verified by the oath of the clerk of the board.

Sec. 9. The common council may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate any public park, cemetery, or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board. Necessary ordinances.

Sec. 10. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto. Idem.

## TITLE XII.

### PUBLIC LIBRARY.

Section 1. The City of Holland shall maintain a public library, and the care, custody and control thereof is hereby vested in a board, to be known as the library board. Such board shall consist of three members, to be appointed by the common council. They shall hold their office for the term of three years each, except that at the first appointment one shall be appointed for one year, one for two years and one for three years, from the first Monday in May of the year when appointed, and annually thereafter one member shall be appointed for three years. The council may remove any member so appointed for inattention to his duties, want of proper judgment or qualification for the proper discharge of the duties required of him, or other good cause. All accounts for expenditures incurred by such board shall, after the same [shall] have been duly approved by the board, be audited by the council, and if correct and proper the council shall direct payment thereof out of the library fund. Library.  
Library board.  
Term of office.  
Council may remove board.  
Accounts.

Sec. 2. Said board shall in the month of May in each year appoint a librarian, who shall receive such annual salary as the common council may determine. The said librarian shall be the clerk of the library board. Librarian.

Sec. 3. The librarian, subject to the direction of the board, shall have the care and custody of the library, and shall Charge of library.



obey and enforce all such rules and regulations as the board shall from time to time direct for the care, custody and maintenance of said public library.

Library  
board.

Sec. 4. All books, periodicals, papers, printed matter and library furniture now belonging to the city library are hereby placed in the care and custody and under the control and management of said library board, when appointed. All books, periodicals and printed matter for said library shall hereafter be purchased by said board.

To establish  
rules.

Sec. 5. The board shall have power, subject to the approval of the common council, to make, establish and enforce all needful rules and regulations for the control and management of the public library, and shall, subject to such approval, secure a suitable place for the location thereof. And the common council may, by ordinance, invest the board with such other powers and authority as may be necessary for the care, management, extension, custody and regulation of said public library; and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe.

Library fund.

Sec. 6. All moneys raised or received for the public library, and the maintenance thereof, shall be placed into the city treasury, and constitute a general fund, to be denominated the "library fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such library. The common council may annually appropriate and raise by tax for said fund such sums, within the limitations prescribed in this act, as they shall deem necessary. All moneys received into the city treasury from fines, penalties and forfeitures, including such moneys as are annually apportioned by the county treasurer under the provisions of section five thousand one hundred and forty-six of Howell's Annotated Statutes, shall be placed to the credit of said library fund. **As amended by Act 427 of 1899.**

To be raised  
by tax.

Report of  
board.

Sec. 7. It shall be the duty of said board, annually, on the third Monday in April, and oftener when the council shall so require, to make a report to the council, embracing the condition of the library, the number of books and their catalogue value, the number of different persons drawing books, the number of books drawn during the year, the number of books lost during the year, their title and value, the number and titles of books added to the library during the year, the cost of the same and of whom purchased, and such other information as will give a complete statement of the condition of the library. Said report shall also include an itemized financial statement of all the receipts and expenditures during the year, pertaining to said library.

Statement of  
finances.

## TITLE XIII.

## BOARD OF PUBLIC WORKS.

Section 1. There shall be created and constituted in and for the City of Holland a board of public works, composed of five members, who shall be freeholders and electors of the city. The first board shall consist of the members of the board of water commissioners in office at the time of the passage of this act, and shall continue to exist as such board of public works until the first Monday in May, A. D. 1893, and thereafter said board shall consist of five members. At the first appointment of members of said board, which shall be made on said first Monday in May, A. D. 1903, one member shall be appointed for three years, one for four years, and one for five years, and the members of the board of water commissioners heretofore appointed for the terms that expire on the first Mondays in May, A. D. 1894, and A. D. 1895, respectively, shall continue to serve as members of the said board of public works until the expiration of the respective terms for which they were appointed, and thereafter on the first Monday of May in each year one member shall be appointed to serve for the term of five years.

Sec. 2. The board shall organize and, annually, in the month of May, elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. They shall, subject to the approval of the common council, appoint a clerk, who shall hold his office during the pleasure of the board, and whose duty it shall be to perform all the clerical labor required by the board; he shall have charge of all their books, records and papers, and exercise a general supervision over their accounts. He shall, before entering upon the duties of his office, give a bond in such sum and with such sureties as the board may direct for the faithful performance of the duties of his office. Such bond, when approved by the board, shall be deposited with the city treasurer. The board shall also appoint a superintendent of public works, who shall hold his office during the pleasure of the board. He shall, subject to the direction of the board, have the superintendence, control and direction of all the public works and property placed in charge and under the supervision of the board, and shall be responsible to the board for the effective and economical operation and maintenance thereof. He shall, subject to the direction of the board, have full control and direction over all other officers and employees of the board, and have full access at all times to all the books, records, papers and accounts of the board. The superintendent of public works shall give a bond for the faithful performance of the duties of his office, in such sum and with

Board of  
public works.

Appointment.

Term of  
office.President  
and clerk.Superin-  
tendent.

Collector.

such sureties as the board may prescribe, and when approved by the board such bond shall be filed with the city clerk. The board shall also appoint a collector, who shall hold his office during the pleasure of the board, and whose duty it shall be to collect the water and electric light rates and all other accounts and moneys due the board, in the manner hereinafter set forth. The collector shall give a bond for the faithful performance of the duties of his office, in such sum and with such sureties as the board may prescribe, and when approved by the board such bond shall be filed with the city clerk. They shall also, subject to the approval of the council, fix the salaries of the clerk, collector and superintendent of public works. **As amended by Act 417 of 1907.**

Duties of board of public works.

Sec. 3. The said board of public works, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities;

**First,** The construction, management, supervision and control of such water works as are or shall be owned by the city;

**Second,** The construction, management, supervision and control of such electric or other lighting plants and gas works, for the generating and furnishing of light, heat and motive power to the city and to the inhabitants thereof, as are or shall be owned by the city;

**Third,** The management and supervision of the sewers, sewerage system and drainage of the city and the construction thereof;

**Fourth,** The construction, maintenance and supervision of the apparatus of the fire alarm system of the city;

**Fifth,** Such other public improvements or works as the common council may, by ordinance, place under their management, supervision and control. **As amended by Act 427 of 1899.**

Powers of board.

Sec. 4. The said board shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of their business not inconsistent with the ordinances of the city or the provisions of this act. **Amended by Act 427 of 1899.**

Duty of board relative to construction and repairing of public works.

Sec. 5. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of five hundred dollars, the work shall be done by the board in such manner as they may deem proper; but whenever such expense shall exceed the sum of five hundred dollars, then the board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved, the board shall,

subject to the approval of the council, cause such work to be done by contract or otherwise, in such manner as they may deem proper: **Provided,** That if the expense shall exceed the sum of one thousand dollars, the board shall advertise for sealed proposals, and shall give such notice thereof as the council may direct, and shall let the contract to the lowest responsible bidder, who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the council: **Provided further,** That in all cases where the expense of labor in the construction or repairing of any such public work, exclusive of the cost of any and all material to be used therein, shall exceed the sum of one thousand dollars, then and in such case the board may, subject to the approval of the common council by a two-thirds vote of all the aldermen elected, cause such labor to be performed by day labor under the direct supervision of the board, and the board shall thereupon advertise for sealed proposals and let the contract for the furnishing of all the material for such work in the manner herein above prescribed. **As amended by Act 417 of 1907.**

Sec. 6. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of the board or that have been incurred by the board shall first be submitted to and approved by the board of public works before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the third Monday in April of each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide. **Added by Act 427 of 1899.**

Sec. 7. On or before the first Monday of September in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money which, according to the judgment of the board, will be needed for the water fund, the electric fund, the gas fund, the fire alarm fund, and the sewer funds during the ensuing year, which estimates may be increased, modified or adopted by the common council as in its judgment may seem justifiable. **Added by Act 427 of 1899.**

When to fix  
and assess  
water rates,  
etc.

Sec. 8. The board, subject to the approval of the council, shall annually, on or before the fifteenth day of June, fix and assess all rates to be paid for having and using water, electricity or gas from said works for the year next ensuing the first day of July following; said rates shall be based, as near as may be, upon the amount of water, electricity or gas consumed and used by the owner or occupant of each house, building or lot using the same. Such rates shall, from and after such first day of July in each year, be a continuing lien until paid, upon the lots and premises on which the water, electricity or gas is used, and they shall also be a charge against the person to whom assessed, until paid. **Added by Act 427 of 1899.**

Rates a lien.

Rates, who  
to pay.

When to be  
paid.

Sec. 9. The owner or occupant of the lot or premises against which any such rates shall be assessed shall pay the same to the city marshal as follows: The water rates half yearly in advance, on the first days of July and January in each year, except where the rate is otherwise fixed by contract, and the rates for electricity and gas on the fifth day of each month for the amount used during the preceding month, and in case of any default in such payment the water, electricity or gas, as the case may be, shall be shut off from such premises, in the discretion of the board. The board may also collect such delinquent rates by a suit at law before any court of competent jurisdiction, said suit to be brought in the name of the City of Holland: Provided, That any attempt to collect such rates by any process herein provided shall not invalidate the lien upon said lot or premises. All delinquent rates shall be collected and paid with interest at the rate of ten per cent from and after the same shall become due. **Added by Act 427 of 1899.**

Collection of  
rates.

Sec. 10. It shall be the duty of the collector of the board to collect all the rates and moneys as provided by this title, and to give his receipt therefor. Said receipts shall be countersigned by the clerk of the board. The collector shall, on or before the twentieth day of each month, and oftener whenever required by the board, pay into the city treasury, to the credit of the several funds, all moneys received by him for water, electricity and gas rates, or from any other source connected therewith, and shall file a detailed statement thereof with the clerk of the board. For all moneys so paid into the city treasury, the collector shall take duplicate receipts, one of which shall accompany such statement; the other he shall present to the common council. **As amended by Act 417 of 1907.**

Delinquent  
rates.

Sec. 11. Whenever on the thirtieth day of June in each year any such rates or any portion thereof for the calendar year then ending shall remain unpaid, it shall be the duty of

the board to prepare a statement of all such delinquent rates, setting forth in each case the owner or occupant of the several lots or premises against which such rates are charged, with a legal description thereof, the kind of rate and the amount due; also in a separate column the interest due to date. Such statement shall be certified to and signed by the president and the clerk of the board and entered in full in a book to be kept for that purpose. **Added by Act 427 of 1899.**

Statement  
recorded.

Sec. 12. It shall be the duty of the clerk of the board, on or before the fifteenth day of July next following, to present such original statement of delinquent rates to the council. Upon receipt of such statement, the council shall cause all such several delinquent rates to be levied as a special assessment upon the lots or premises therein described respectively. Such special assessment shall in all respects be made and treated in accordance with the provisions of Title XXVII of the act to which this act is amendatory, relative to special assessments; and all the provisions of said Title XXVII shall be and they are hereby made to cover and to include the enforcement and collection of such delinquent rates and the interest thereon, the same as all other special assessments for public or local improvements therein mentioned: **Provided,** That the board of assessors in reporting such special assessment roll to the common council, as in said title directed, shall further compute and in a separate column opposite each description set down the interest accrued and still to accrue on each item of said rates from the thirtieth day of June to the first day of December next ensuing, and the aggregate of such delinquent rates and the several amounts of interest for each description shall be carried into the last column of the roll: **Provided further,** that it shall be lawful at any time prior to the first day of October to pay to the collector such delinquent rates, with the interest computed thereon, up to the date of payment, and the collector shall issue therefor his receipt, which receipt shall be countersigned by the clerk. **As amended by Act 417 of 1907.**

Duty of clerk.

Proviso.

Sec. 13. The members and clerk of the board, their officers, agents and servants, may enter upon any public or private land or water, either within or outside the limits of the city, for the purpose of making all necessary surveys, and for maintaining their pipes, mains, aqueducts, poles, wires and other works, or of doing any other act necessary to carry into effect the purposes of this act. The board, subject to the approval of the common council, may agree with all persons interested in private property as to the compensation to be paid for taking or using the same for the public use or benefit by said board. In case no agreement can be entered into, the board shall report the facts to the common council, together

Board may  
enter land to  
make survey.

with a description of the property necessary to be taken, and the purposes for which it is to be used, and thereupon the council may direct the city attorney to institute the necessary legal proceedings to condemn said property, as provided by title XXVI of this act. **Added by Act 427 of 1899.**

To extend  
pipes, etc.

Sec. 14. The board shall have power to extend the distributing pipes, aqueducts and mains of the water-works and erect hydrants outside of the limits of the city, and to regulate, protect and control such portion of their works and the water supply therefrom in the same manner that they may regulate, protect and control the works and water supply within the city: Provided, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of the distributing pipes necessary to supply such person or persons, shall be paid to the board, and all such distributing pipes through which any water shall be supplied by the board shall be the property of the city and form a part of its system of distributing pipes. They shall also have such other and further powers and rights not herein granted as are given to municipal boards by the general laws of the state, and as are not inconsistent with the powers and rights herein granted. **Added by Act 427 of 1899.**

Proviso.

Further  
powers.

Penalty for  
placing car-  
casses in  
water, etc.

Sec. 15. If any person shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever, erected or used within or outside the limits of the city of Holland, by said board, or by any person acting under their authority, shall be injured, or shall wilfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy water or substance whatever, into any reservoir, pipe or aqueduct through which water for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed, any such carcass, deleterious or filthy water or substance in Black river or Black river lake, within a distance of three miles above any inlet pipe extending into said river or lake, and through which said supply of water or any part thereof is received, or do or cause to be done any other act to wilfully pollute said water within such distance as aforesaid, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars and the costs of prosecution, or imprisonment in the county jail or in the Detroit House of Correction for a period not exceeding ninety days, or both, at the discretion of the court before which the case is tried. The board shall erect notices of so much of this section as relates to reservoirs and Black river lake and Black river, at conspicuous points on such reservoirs, and on each shore of said river and lake, within the distance above mentioned, and for this

Penalty.

purpose they or their agents shall have the right to enter upon private property. **Added by Act 427 of 1899.**

Sec. 16. If any person shall, without the authority of the board or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log or aqueduct belonging to the water-works or sewer system of the city, or cause to be made any connection or communication with said pipes, aqueducts or logs, or meddle with or move the same, or take down or deface any of the notices provided for in the preceding section, or cause the same to be done, or shall injure, mutilate, move, deface or destroy any pole, wire, converter, meter, lamp, or other apparatus, fixture or machinery of the city used in generating or distributing electric current, or meddle with or use the same, or shall in any way tamper or interfere with the meters used by the board in measuring and ascertaining the amount of water or electric current consumed, or shall perforate or bore, or cause to be perforated or bored any gas main or pipe belonging to the city, or cause to be made any connection or communication with any such main or pipe, or meddle with or use the same, or shall in any way injure or interfere with any machinery, apparatus, or fixture of the board used in connection with the water-works, electric plant, gas works, sewer system, or fire alarm of the city, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars and the costs of prosecution, and shall also be sentenced to imprisonment in the county jail or in the Detroit House of Correction until such fine be paid, not exceeding ninety days. **Unlawful to injure pipes, etc.**

Any person who shall wilfully break or cut any inlet pipe, main distributing pipe, log or aqueduct used by the board for conducting water or sewage, or shall dig into or break up any reservoir, filled or partly filled with water, or shall wilfully break any pumping engine, or any part thereof, or any of the machinery connected therewith belonging to the public works of the city, or cause any of said acts to be done, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison not more than five years, or by a fine not exceeding one thousand dollars and imprisonment in the county jail or in the Detroit House of Correction not more than one year. **As amended by Act 417 of 1907.** **Unlawful to injure, etc., any pole, wire, etc.**

**Penalty.**

## TITLE XIV.

### WATER WORKS.

Section 1. The board of public works shall have full, complete and entire charge, management and control of the operating, repairing and enlarging or extending of all works of every kind whatsoever now used for the purpose of supply- **Boards of public works to have charge of.**



## LIGHTING, HEATING AND MOTIVE POWER

ing the city and the inhabitants thereof with water, and of the planning, constructing, operating and repairing of all such works hereafter to be constructed, subject to the provisions hereinafter contained.

Sec. 2. The said board shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the interest of the water works in said city. They shall appoint such officers or employes, subject to the approval of the council, as may be necessary for the proper running of the water works in said city, and they shall prescribe and define their duties. The board shall control, regulate and supervise the construction and repairing of the water works of said city, subject to the general direction and approval of the common council, as herein provided, and they shall have such further powers, and perform such other duties as the common council may by ordinance prescribe.

Sec. 3. The said board shall have power, subject to the provisions of this act, to construct, repair and maintain reservoirs, buildings, machinery, jets and fountains at such localities in the city, or outside the limits thereof as the common council shall deem expedient and shall direct, and to lay and repair water mains and pipes in and through all the streets, alleys and public places in the city for the purpose of furnishing a full supply of water for public and private use in said city, subject to the approval and direction of the common council.

## TITLE XV.

## LIGHTING, HEATING AND MOTIVE POWER.

Section 1. The common council shall have power to erect, purchase, operate and maintain, either independently or in connection with the water works of the city, an electric lighting, heating and motive power system and gas works for the purpose of supplying the city and the inhabitants thereof with electricity and gas, for lighting, heating or motive power purposes, at such times and on such terms and conditions as they shall deem proper. **As amended by Act 427 of 1899.**

Sec. 2. The board of public works shall have full, complete and entire charge, control and management of the operating, maintaining, running and repairing of such electric lighting, heating and motive power system and gas works as are, or may hereafter be, owned by the city, subject to the general direction and approval of the common council, as herein provided. **As amended by Act 427 of 1899.**

Sec. 3. The city shall have the power to produce, generate, furnish and sell such electricity and gas as may be

To adopt  
rules and  
regulations.

To appoint  
employes.

To make re-  
pairs.

Electric light  
system, etc.

Management  
of.

City may sell,  
electricity  
and gas.

desired in the city for lighting and heating public or private buildings, streets or grounds, and for motive power, or for any other purpose. The city shall also have power to authorize and direct the board of public works to enter into contract with any person, firm or corporation conducting under the laws of this state the business of producing and supplying electricity for purposes of lighting, heating and motive power, for the sale and transmission of electricity to the board of public works at such place or places within the city as said board may designate for the purposes of lighting, heating and motive power, and to direct the said board to sell and distribute such electricity to the city and to the inhabitants thereof: Provided, however, That no person, firm or corporation, shall have the right or privilege to construct and maintain in, along or across any street, alley or public place within the city any line of poles, wires and conduits for use in the transmission or distribution of electricity, nor to sell such electricity direct to any consumer within the city, without having first obtained from the common council a license so to do and a franchise designating the streets, alleys and other public places in the city for the locating of all poles, lines, wires and conduits, and also prescribing the manner and methods of transmitting such electricity within the corporate limits of the city, and the schedule of prices to be charged the consumer therefor. **As amended by Act 737 of 1907.**

Franchise  
required.

Sec. 4. For the purpose of constructing, maintaining and operating such electric lighting system and gas works, the city shall have the right of way over and along, and the power to lay, construct and maintain, conductors for conducting electricity and gas through all the streets lanes, alleys, squares and other public lands of the city. If it shall be necessary for any of the purposes of this act to acquire or appropriate private property, the same may be acquired or appropriated and held by the city in the manner and with like effect as provided in this act and the general laws of the state for taking private property for public use. **As amended by Act 427 of 1899.**

City to have  
right of way.

## TITLE XVI.

### SEWERS, DRAINS AND WATER COURSES.

Section 1. The common council may establish, construct and maintain sewers and drains, whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking private property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall

Council to  
have control  
of sewers.

**Power.** be constructed in the public streets and grounds. And the council shall have power and authority to cause the whole or any part of the expense of establishing, constructing and maintaining any such sewers and drains to be assessed upon the lots, blocks, parcels of lands and premises benefited thereby to the extent that such lots, blocks, parcels of land and premises, in their opinion, are benefited by such improvements.

**Management and control.** Sec. 2. The board of public works shall have the management, supervision and control of the sewers, sewage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the common council, as herein provided, and the common council may by ordinance prescribe the powers and duties of said board, relating to all matters connected with the sewers, sewerage system and drainage of the city.

**Board to devise plan of sewerage.** Sec. 3. Whenever it may become necessary in the opinion of the council, to provide sewerage and drainage for the city, or for any part thereof, it shall be their duty to instruct and direct the board of public works to devise, or cause a plan of such sewerage or drainage to be devised, for the whole city, or for such part thereof as they shall determine.

**Discretion of board.** Sec. 4. Such plan shall, in the discretion of the board, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. **Plats to be filed.** Plats or diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council, shall be filed in the office of the clerk of the board.

**Sub-districts, etc.** Sec. 5. Main sewer districts may be subdivided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

**Council to provide and maintain trunk sewers.** Sec. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the board of public works to prepare diagrams, or plats thereof, which, when approved by the common council, shall be recorded in the office of the clerk, in the book of sewer records.

Sec. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portion or portions thereof as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits aforesaid shall be made without reference to any improvements or buildings upon the lands. **As amended by Act 427 of 1899.**

Sec. 8. Before proceeding to the construction of any district sewer, the council shall cause the board of public works to prepare, or cause to be prepared, a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof, and thereupon the council shall give notice, by publication, for at least two weeks, in one or more of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the board and the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer. **As amended by Act 427 of 1899.**

Sec. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district, and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the clerk in the book of sewer records.

Sec. 10. Special assessments for the construction of

sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

Petition for  
sewer.

Sec. 11. When the owners of a majority of the lands liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall cause to be constructed a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases where no such petition is presented, sewers shall be constructed in the discretion of the council.

Private drain,  
sewers, etc.

Sec. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special assessments. **As amended by Act 427 of 1899.**

Expense to  
be a lien.

Occupants to  
connect at  
expense.

Sec. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works, subject to the approval of the common council, shall prescribe.

Council to  
collect annu-  
ally for con-  
nection with  
main sewers.

Sec. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Charge to be  
a lien.

Expenses, how  
defrayed.

Sec. 15. Such part of the expenses of providing ditches and improving water courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Repairing,  
etc.

Sec. 16. The expenses of repairing public sewers, ditches, and water courses, may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Sec. 17. The council may enact such ordinance as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city. Council to enact ordinances.

Sec. 18. If the council shall have determined to construct any main sewer in any main sewer district, or any main or trunk sewer, without reference to any sewer district, and if it shall be necessary for the city to borrow money for the payment of the amount determined by the council to be paid from the general sewer fund toward the construction of such sewer in such main sewer district, or for the payment of a trunk sewer to be constructed without reference to a sewer district, then, before any further proceedings are had looking toward the construction of such sewer, the council shall cause to be made and recorded in their proceedings an estimate of the amount necessary to be borrowed for such purpose, and the question of borrowing such amount shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council, as provided in this act, and shall be determined as a majority of the electors voting upon the question at such election by ballot shall decide; and if a majority of the votes thus cast shall be for the borrowing of such amount of money, then it shall be lawful for the city to borrow such sum of money, not exceeding in all three per cent of the assessed value of the property in the city as shown by the last preceding tax roll, to be used exclusively for such purpose. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this section, and to issue the bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value. **Added by Act 427 of 1899.** Council may borrow money.

## TITLE XVII.

### FIRE PROTECTION.

Section 1. The common council shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to create a fire department. **As amended by Act 417 of 1907.** Council to establish fire department.

Sec. 2. The council may, upon the recommendation of the board of police and fire commissioners, purchase and provide suitable fire engines, and such other apparatus, instruments and means for the use of the department as may be deemed May purchase engines, etc.

necessary for the extinguishing of fires. The council may also sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city, and make all necessary provisions for a convenient supply of water for the use of the department. **As amended by Act 417 of 1907.**

Provide  
buildings.

Sec. 3. The council may also, upon the recommendation of the board of fire and police commissioners, or upon their own initiative, when they shall deem it necessary, provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department. **As amended by Act 417 of 1907.**

When and  
how assist-  
ance may be  
commanded  
at fires.

Sec. 4. The fire marshal, mayor, chief of police, and any policeman, alderman or officer of the fire department may command any person present at a fire to aid in the extinguishing thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto the person so offending shall be punished in such manner as may be prescribed by the ordinances of the city. **As amended by Act 417 of 1907.**

Inspection of  
stores, etc.

Sec. 5. The council may provide by ordinance for the examination and inspection from time to time by the city inspector, or such other city official as they may deem proper, of the stoves, furnaces, and all heating and lighting apparatus and devices in all the dwellings, buildings and structures within the city; also, for the examination and inspection of all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition. **As amended by Act 417 of 1907.**

Fire limits.

Sec. 6. The council may prescribe, by ordinance, from time to time, limits or districts in the city within which wooden, veneered and iron-clad buildings and structures, and buildings and structures with shingle roofs, shall not be erected, placed, enlarged, or repaired; and to direct the manner of constructing, enlarging or repairing buildings within such districts, with respect to protection against fire, and the material of which the outerwalls and roof of any such buildings shall be constructed. **As amended by Act 417 of 1907.**

Prohibiting  
hazardous  
buildings.

Sec. 7. The council may also prohibit within such places or districts as they shall deem expedient, the location of any factory or workshop, the prosecution of any trade or business, the keeping of lumber yards, and the storage of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby in-

creased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings, and generally may pass, and enforce such ordinances and regulations as they may deem necessary, for the prevention and suppression of fires. **As amended by Act 417 of 1907.**

Sec. 8. Every building or structure which may be erected, placed, enlarged, repaired, or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council. **As amended by Act 417 of 1907.**

What may be declared a nuisance.

Sec. 9. The fire marshal, with the concurrence of the mayor or any two members of the board of police and fire commissioners, or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in such building shall apply to the council, within three months after the fire, for damage or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damage determined upon to be defrayed by a special assessment upon the property which, in their opinion, was protected or benefited by the destruction of such building; such special assessment and the enforcement and collection thereof shall in all respects be made and treated in accordance with the provisions of title XXVII of the act to which this act is amendatory: Provided, That no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or destroyed. **As amended by Act 417 of 1907.**

Buildings may be pulled down, etc.

Sec. 10. The council may provide suitable compensation for any injury which any member of the police or fire department may receive to his person or property in consequence of the performance of his duty at any fire. **As amended by Act 417 of 1907.**

Compensation for injury.

Sec. 11. The council may by ordinance prescribe such regulations to be observed by owners, masters and employes of steamboats and water craft as may be necessary for the prevention of fires upon any of the public waters within the city, and to prevent the communication of fire from such boats and craft, and may prescribe in such ordinance the manner of collecting any penalties imposed thereby. **As amended by Act 417 of 1907.**

Prevention of harbor fires.



## TITLE XVIII.

## PUBLIC BUILDINGS AND GROUNDS.

May own public buildings.

Section 1. The city of Holland may acquire, purchase, rent and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, rent, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

When may own outside corporate limits.

Sec. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest houses, cemeteries, parks, electric light plants, water works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner, and to the same extent, as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

Authority over parks.

Sec. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue, public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same, and the appurtenances thereof, from obstructions, encroachments, and injury, and from all nuisances.

## TITLE XIX.

## HARBORS AND WHARVES.

Council to have control of docks, etc.

Section 1. The common council shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, basins and canals, at the foot of streets, and upon any lands or property belonging to or under the control of the city; and for that purpose the city shall have the use and control of the shore or bank of any lake or river within the city, not the property of individuals, to the extent to which the state can grant the same; and the council may lease wharfing and landing privileges, upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Sec. 2. The council shall have authority also to require and cause all docks, wharves, and landings, whether upon the public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

Council to  
prescribe  
line of.

Sec. 3. The council shall have authority to prohibit the incumbering of the public wharves and landings, and to regulate the use of all wharves, docks, and landing places within the city; regulate the use and location of wharf boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public and private wharves, docks, and landings, and collect wharfage, and dockage from boats, water craft, and floats landing at or using any public landing place, wharf, or dock within the city.

Council to  
regulate the  
use and rate  
of wharves.

Sec. 4. The council shall have authority to provide by ordinance for the preservation of the purity of the water of any harbor, river, lake, or other waters within the city, and within one-half of a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, logs, floating matter, or any injurious thing; to control and regulate the anchorage, moorage, and management of all boats, water craft, and floats within the jurisdiction of the city; to prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the docks, wharves, and landings, by boats, water craft, and floats; and to regulate and prescribe by such ordinances or through a harbor master or other officer, such location for any boat, craft, vessel, or float, and such changes of station in and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, craft, vessels, and floats; and generally to enact and enforce such ordinances and regulations, not inconsistent with the laws of the United States and of this State, as in the opinion of the council shall be most conducive to the orderly, safe, and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the city.

Purity of  
water shall  
be preserved.

Sec. 5. The council may also license and regulate the use of tugs, and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

Tugs.

Sec. 6. The council may also appoint a harbor master, wharf masters, port wardens, and such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe, in respect to and over the navigable waters, harbors, wharves,

Powers and  
duties of  
harbor master.

docks, landings, and basins within the city, and in respect to the navigation, trade and commerce of the city, and prescribe the powers and duties of such harbor masters and other officers, and to fix the compensation to be paid to them.

## TITLE XX.

## MARKETS.

Power to  
erect market  
houses.

Section 1. The common council shall have power to erect market houses, establish and regulate markets and market places, for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold, and the stands and places to be occupied by the venders.

Rules and  
regulations.

Sec. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market, of any person violating its regulations, together with any article in his or their possession, and may authorize the seizure and destruction of tainted or unsound meats or other provisions exposed for sale therein.

## TITLE XXI.

## POUNDS.

Pounds.

Section 1. The common council may provide and maintain one or more pounds within the city, and may appoint pound masters, prescribe their powers and duties, and fix their compensation; and may restrain, regulate or prohibit the running at large of horses, cattle, swine, and other animals, geese and other poultry, and may authorize the impounding of the same when found in the streets or otherwise at large, contrary to any ordinance of the city; and may impose penalties upon the owners or keepers thereof permitting the same; and if there shall be no pound or pound master, they may provide for the impounding of such horses, cattle, swine and other animals, geese and other poultry, by any member of the police force, in some suitable place under his immediate care and inspection. **As amended by Act 417 of 1907.**

Fees, ex-  
penses of  
keeping.

Sec. 2. The council may also prescribe the fees for impounding, and the amount or rate of expense for keeping, and the charges to be paid by the owner or keeper of the horses, cattle, swine or other animals, geese or other poultry impounded; and may authorize the sale of the same for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

## TITLE XXII.

## CITY PRISON.

Section 1. The common council shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein. Council to provide prison.

Sec. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines and costs for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe. Prisoners may be kept at hard labor.

## TITLE XXIII.

## FERRIES.

Section 1. The common council may regulate and license ferries from the city, or any place or landing therein, to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as to the council shall seem proper; and may impose such reasonable terms and restrictions, in relation to the keeping and management of such ferries, and the time, manner and rates of carriage and transportation of persons and property as may be proper, and provide for the revocation of any such license, and for the punishment by proper fines and penalties of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed. License ferries.

## TITLE XXIV.

## STREETS AND PUBLIC GROUNDS.

Section 1. The common council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance. The city shall not be liable in damages sustained by any person, either to his person or property, by reason of any defective street, sidewalk, crosswalk, bridge or public highway, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk, bridge or public highway, unless such person shall serve, or cause to be served within sixty days after such injury shall have occurred, a notice in writing upon the mayor or city clerk, which notice shall set forth substantially the time when and the place Council to have control of highways,

where such injury took place, the manner in which it occurred, and the extent of such injury, as far as the same has become known, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. **As amended by Act 427 of 1899.**

When city  
not respon-  
sible, etc.

Sec. 2. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands, which had not been actually accepted, worked, and used by the public as a street or alley before the reincorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such reincorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Power to lay  
out, open,  
close, etc.

Sec. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement, and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent thereto, or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

How vacated,  
etc.

Sec. 4. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground in any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen-elect.

Survey of.

Sec. 5. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed

by the council, to be recorded in a like manner; and such record shall be **prima facie** evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the record shall be **prima facie** evidence of all matters therein set forth.

Sec. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley, or public ground or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk. Grades, etc.

Sec. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed, in conformity to grades established by authority of the city, and the expenses thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to, and paid by the city. Expenses of, how paid.

Sec. 8. If any damage shall result to any owner by a change of the established grade of any street, alley, sidewalk, wharf or landing, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained. Damage from change of grade.

Sec. 9. The council shall have the power to grade, pave, gravel, curb, sprinkle, clean and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts, or special street districts, for the purpose of special assessment. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing, and the terms "improve" or "improvement" shall be deemed to include the sprinkling and cleaning of streets. **As amended by Act 417 of 1907.** Power of council in regard to streets, etc.

Expenses, how  
paid.

Sec. 10. Such part of the expense of improving any street, lane or alley, by grading, paving, planking, graveling, curbing, sprinkling, cleaning, or otherwise, and of repairing the same, as the council shall determine, may be paid from the general street fund, or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessment upon the lots and premises included in a special assessment district to be constituted of the lands abutting upon that part of the street or alley so improved or proposed so to be; or constituted of lands abutting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement. **As amended by Act 417 of 1907.**

Idem.

Sec. 11. When the expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as, in the opinion of the council or board of assessors making the special assessment, would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district in proportion to their number of feet frontage upon such improvement; or, if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if, from the shape or size of any lot, an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet of frontage as, in their opinion, will be just.

Expenses  
assessed.

Prohibit  
obstructions  
on streets.

Sec. 12. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon, the public highways, streets, sidewalks, crosswalks, lanes, alleys, bridges, wharves and docks of the city, and to remove the same; and to punish those who shall obstruct, incumber, encroach, or maintain any encroachments, upon or in any such highway, street, sidewalks, crosswalks, lanes,

alleys, bridges, wharves and docks; and to require all such persons to remove every such obstruction, incumbrance and encroachment.

Sec. 13. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the city, and for the protection thereof; and may light the streets and public places, and to regulate the setting of lamps and lamp posts therein, and protect the same. Shade trees.

Sec. 14. The council may regulate the making of all openings in, and removals of, the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe. Repair of  
sewers,  
drains, etc.

Sec. 15. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts, electric light, telephone and telegraph poles in or over the streets; to prohibit immoderate riding or driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets or upon the sidewalks as may interfere with the lawful use thereof, or be to the annoyance of the inhabitants or render travel or passage inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city, as are conferred by law upon highway commissioners in townships. Regulate the  
use of high-  
ways.  
  
Telegraph and  
telephone  
poles.  
  
Cattle and  
hogs.  
  
Nuisances.



**SIDEWALKS**  
**TITLE XXV**  
**SIDEWALKS.**

Council to  
have con-  
trol of.

Section 1. The common council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary: Provided, however, That the sidewalks adjacent to any of the public parks, cemeteries or burial places of the city shall be under the immediate control, supervision and maintenance of the board of park and cemetery trustees. The common council shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof upon and collect the same from the lots and premises adjacent to and abutting upon such walks.

May require  
construc-  
tion of.

Sec. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets to and abutting upon such lots and premises, and keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, material and manner of construction, and within such time as the council shall, by ordinance or resolution, prescribe.

Council may  
require owners  
of sidewalks  
to remove  
snow, etc.

Sec. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, encumbrances, filth and other nuisances: Provided, That the council may provide for the removing of all ice and snow therefrom, and for keeping the same free from encumbrances, and pay the expense thereof from the general fund, or from the street district fund of any street district in which the same may be located. **As amended by Act 427 of 1899.**

Proviso.

When council  
may remove,  
etc.

Sec. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof as the council shall have determined, shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred

thereby, for which such owner or occupant shall have become liable, together with a penalty of ten per cent of such expense in addition thereto, to be reported to the board of special assessors, to be levied by them as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given, as in all other cases of special assessments provided for by this act, and such tax, when confirmed, shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the supervisor of the district in which such lot or premises are situated, to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit. **As amended by Act 427 of 1899.**

Sec. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and of other things upon or over the sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same; and to prohibit and prevent obstructions, incumbrances, or any nuisance upon the walk. Signs, awnings, etc.

Sec. 6. If any owner, occupant or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect. When council may remove.

## TITLE XXVI.

### APPROPRIATION OF PRIVATE PROPERTY.

Section 1. Private property may be appropriated for public use in the city for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks, market places and spaces for public wharves, docks, slips, basins and landings on navigable waters, and for the improvement of water courses; for sewers, drains and ditches; for public hospitals, pest houses, quarantine grounds and public cemeteries, and For what purpose may be taken.

for other lawful and necessary public uses. **As amended by Act 427 of 1899.**

Proceedings  
for taking  
private  
property.

Sec. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the city, either in the manner and with like effect as provided by the general laws of this state relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as herein-after set forth. **As amended by Act 427 of 1899.**

Who to insti-  
tute pro-  
ceedings.

Sec. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality, and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the municipality, before such justice of the peace of the city as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use. **Added by Act 427 of 1899.**

Attorney to  
file petition.

Sec. 4. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such justice, in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be prima facie evidence of the action taken by the council, and of the passage of said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and

What petition  
shall state.

determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality may be entitled within the objects of this title. **Added by Act 427 of 1899.**

Sec. 5. Upon receiving such petition it shall be the duty of the said justice to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said justice at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. **Added by Act 427 of 1899.**

Duty of  
justice.

Sec. 6. Said summons shall be served by the sheriff or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the justice may appoint some discreet and proper person to be guardian ad litem of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy

Summons.

Proceedings in  
appointing  
guardian.

of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the justice may adjourn the proceedings from time to time, as there shall be occasion, and as in other civil cases. Service for such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service of the publication of the order for appearance, if any, shall be filed with such justice before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service. **As amended by Act 417 of 1907.**

Adjournment.

When justice  
to make order  
for jury.

Number to  
constitute  
jury.

Jury, how  
selected.

Sec. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The sheriff or any constable of such city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of the city, and the city attorney and the respondents collectively shall each have the right to strike six names from the list of persons written down as aforesaid, and, subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the justice, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this title, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts, except that peremptory challenges shall not be allowed. **As amended by Act 417 of 1907.**

Jurors, how  
sworn.

Sec. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or

affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public, the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take such property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer and, upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the justice and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by the foreman, or by all jurors. **Added by Act 427 of 1899.**

Sec. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just. **Added by Act 427 of 1899.**

Jury to determine necessity for improvement.

Sec. 10. To assist the jury in arriving at their verdict, the justice may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict, which may be as follows:

How jury assisted to find verdict.

#### PART I.

We find that it is . . . . . necessary to take the private property described in the petition in this cause, for the use and benefit of the public, for the proposed public improvement.

Form of blank.

## PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury. **Added by Act 427 of 1899.**

**Amendments.**

**Sec. 11.** Amendments, either in form or substance, may be allowed in any paper, petition, process, record or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in the resolution passed by the council, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury. **Added by Act 427 of 1899.**

**Duty of justice when report is filed.**

**Sec. 12.** Upon filing the report and award made by any jury with said justice, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the termination and awards therein made. Unless such application and confirmation shall be made within forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided. **Added by Act 427 of 1899.**

Sec. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said justice shall, on the application of the city attorney, designate some day and hour when another jury may be impaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and, when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said justice, or some other justice in said city, as provided for above after the first jury is sworn. **Added by Act 427 of 1899.**

Proceedings if jury disagree.

Sec. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause, be unable to discharge his duties as a juror, said justice may draw another person to serve in his place, who shall be sworn and shall have the like qualifications, powers and duties as those already sworn. **Added by Act 427 of 1899.**

In case any juror is unable to discharge duties.

Sec. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest, and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal. **Added by Act 427 of 1899.**

Appeal, when to be made.

Sec. 16. Within ten days after taking such appeal said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and file the same with the clerk of such circuit court. **Added by Act 427 of 1899.**

When returned.

Sec. 17. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury duly impaneled by the court in the cause, without reference to any term of court, upon all questions involved in such proceedings, and the verdict or finding of the jury shall be conclusive. The

Circuit court to have jurisdiction. Trial by jury.



appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal. The jurors for the trial of such cause in the circuit court shall be impaneled and summoned and be possessed of like qualifications, and be sworn, and render their verdict in like manner, and the proceedings and practice in the trial of the cause shall be the same as is provided in sections six, seven, eight and nine of act number one hundred twenty-four of the public acts of eighteen hundred eighty-three, entitled, "An act to authorize cities and villages to take private property for the use or benefit of the public," etc., approved May thirty-one, eighteen hundred eighty-three, as amended. **Added by Act 427 of 1899.**

Jurors, how  
impaneled,  
etc.

Court to con-  
firm proceed-  
ings, etc.

Sec. 18. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him or to the city, as shall be just. **Added by Act 427 of 1899.**

Duty of city  
clerk.

Sec. 19. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the justice of the peace after the same has become final, as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such justice, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same. **Added by Act 427 of 1899.**

When to col-  
lect sum  
awarded.

Sec. 20. When the verdict of the jury shall have been finally confirmed by the justice and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the

city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in the act to which this act is amendatory for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser. **Added by Act 427 of 1899.**

Amount, how  
assessed.

Sec. 21. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay to the persons respectively entitled to the moneys so set apart and provided, to each his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury, and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is

When city to  
pay owners  
of property.

When council  
may borrow  
money.

actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in case an appeal has been had, then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be prima facie evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property. **Added by Act 427 of 1899.**

When council  
may take  
possession.

Compensation  
of officers, etc.

Sec. 22. Officers, jurors and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the justice courts of this state, and in cases of appeals the same fees and compensation as are provided by law for similar services in circuit courts. **Added by Act 427 of 1899.**

Prima facie  
evidence as to  
who are  
owners.

Sec. 23. It shall be prima facie evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be prima facie evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest. **Added by Act 427 of 1899.**

Building to  
be sold.

Sec. 24. In case there is on the private property taken a building or other structure, the same shall be sold by or under the direction of the council; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in re-

Amount of  
sale, where  
credited.

duction pro rata of the assessment and apportionment made to pay for the property taken. **Added by Act 427 of 1899.**

Sec. 25. Nothing in this title contained shall prevent the city from obtaining private property for any of the public uses herein specified by negotiation and purchase. **Added by Act 427 of 1899.** Title, how constructed.

## TITLE XXVII.

### COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Section 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water works, electric light works, market houses and spaces, cemeteries and parks, watch houses, city prisons and work-houses, hospitals, quarantine grounds and buildings, public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the city. When, by the provisions of this act, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this title provided. Expense to be defrayed, how.

Sec. 2. There shall be a board of assessors in and for said city, consisting of the city engineer and the two supervisors. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, the council shall appoint some other person to act in his stead in making such assessment, who, for the purpose of that assessment, shall be a member of the board. **As amended by Act 417 of 1907.** Board of assessors, duty and compensation.

Sec. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expense thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from the street district funds, and shall designate the district of lands and premises upon which the special assessment shall be levied. Council to make improvements.

Sec. 4. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be im- Council to cause estimates.

Notice of.

proved, and deposit the same with the city clerk for public examination; and they shall give notice thereof, and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any suggestions or objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen-elect.

Expenses, how  
defrayed.

Sec. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of execution and construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed fifty per cent of the value of such lot or land, as valued and assessed in the annual assessment roll for the current year; any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general fund of the city. **As amended by Act 417 of 1907.**

Council not to  
incur expense.

Sec. 6. No contract for doing the work or making the improvement contemplated in sections three and four of this title, shall be made or awarded, nor shall the council incur any expense or liability in relation thereto, until after the notice and hearing, provided for in said section four, shall have been given and had. But this section shall not be construed as preventing the council from advertising for proposals for doing the work whenever they see fit, provided the contract shall not be made or awarded before the time herein stated.

Advertising.

Special assess-  
ments, board  
to state  
amount.

Sec. 7. When any special assessment is to be made **pro rata**, upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises or locality constituting the districts to be assessed. In fixing the amount or sum of money that may be required to pay the costs of any improvement, the council need not necessarily be governed by the estimates for such improvement provided for in section four, but the council may decide upon such other sum, within the limitation prescribed, as they may deem necessary to cover the cost of such improvement.

Board to  
make assess-  
ment roll.

Sec. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy there-

on and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment: Provided however, That Proviso. if the several descriptions thus to be assessed in any special assessment district shall extend into more than one supervisor district of the city, the board of assessors shall enter the several descriptions situated in any one district by themselves, separate from those of the other: Provided also, That Further in all cases where the ownership thereof is unknown to the proviso. board of assessors, they shall, in lieu of the name of the owner, insert the name "Unknown": Provided, further, That Further if by mistake or otherwise, any person shall be improperly proviso. designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall in all respects be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and, when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

Sec. 9. If the assessment is required to be according to Assessment, frontage, the board of assessors shall assess to each lot or according to parcel of land such relative portion of the whole amount to frontage, etc. be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the board shall have completed the assessment they shall report the same to the council. Such report, Board to to be signed by at least two of the assessors, may be in the report. form of a certificate, endorsed on the assessment roll, as follows:

STATE OF MICHIGAN, }  
CITY OF HOLLAND, } SS.

Certificate,  
form of.

To the Common Council of the City of Holland:

We hereby certify and report, that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that part of the cost which the council decided should be paid and borne by special assess-

ment for the (here insert the object of the assessment); that in making such assessment we have, as near as may be and according to our best judgment, conformed in all things to the directions contained in the resolution of the council hereinafore referred to, and the charter of the city relating to such assessments.

Dated, Holland, .....

.....

.....

.....

Board of Assessors.

Expense  
separate.

Sec. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the common council in such manner as they shall prescribe. And the provisions of the preceding sections of this title with reference to special assessments generally and the proceedings necessary to be had before making the improvement, shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

Proceedings.

Council to  
determine  
amount.

Sec. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment.

Report.

Sec. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be

levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council: Provided, That all the several assessments in each supervisor district shall be kept separate, the same as is required in section eight of this title. Proviso.

Sec. 13. When any special assessment shall be reported by the board of assessors to the council, as in this title directed, the same shall be filed in the office of the city clerk, and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose [names] name appear upon the special assessment roll, and to all others interested therein, and may be in the following form: Report to be filed and published.

NOTICE OF SPECIAL ASSESSMENT.

To (insert the names of the persons against whom the assessment appears), and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given, that the council and board of assessors of the City of Holland will meet at the council room in said city on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard. Special assessment, notice of.

Dated, Holland, .....

....., City Clerk.

Sec. 14. At the time and place appointed for that purpose, as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and shall hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby; and the council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and Board of Review.



direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll, showing the date of confirmation.

Two-thirds  
vote to make  
final.

Sec. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen-elect.

Assessments  
to constitute  
a lien.

Sec. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, except as herein otherwise provided, and shall be a charge against the person to whom assessed until paid. **As amended by Act 417 of 1907.**

Assessment  
divided.

Sec. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine, with annual interest at a rate not exceeding eight per cent.

When due.

Sec. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Roll to be  
made for each  
installment.

Sec. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments and the cost of making such special assessment roll included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed. **As amended by Act 427 of 1899.**

Board to  
apportion.

Sec. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Additional pro  
rata assess-  
ment.

Sec. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expense incident thereto, the council may, within the limitations prescribed for such assessments, make an additional **pro rata** assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Sec. 22. Whenever any special assessment shall, in the <sup>When invalid.</sup> opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

Sec. 23. No judgment or decree, nor any act of the council <sup>Judgment or</sup> vacating a special assessment, shall destroy or impair the <sup>decree.</sup> lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding, might have been lawfully assessed thereon.

Sec. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to <sup>Clerk to re-</sup> report to the supervisor of each supervisor district in <sup>port to</sup> which <sup>supervisor.</sup> any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as are contained in said roll, and are situated in his district with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring such supervisor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, such supervisor shall levy the sums <sup>Supervisor to</sup> therein mentioned upon the respective lots and premises to <sup>levy.</sup> which they are specially assessed, and against the persons chargeable therewith, as a tax, in the district tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said district tax roll shall be collected and enforced with the other taxes in the district tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

Sec. 25. When any special assessment shall be confirmed <sup>Payable</sup> and be payable as hereinbefore provided, the council, instead <sup>direct.</sup> of requiring the assessments to be reported to the several supervisors of the districts as provided in the preceding section, may direct the assessment so made in the special assess-

ment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he place the money so collected into the city treasury, and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant.

To take goods  
in certain  
cases.

Idem.

Notices.

Sec. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Moneys.

Delinquent.

Sec. 27. The city treasurer shall place the moneys, and all the percentage collected by him, into the city treasury. He shall also make return of said assessment roll and warrant to the city clerk, according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Warrant re-  
newed, etc.

Sec. 28. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the supervisor of the proper district in the manner provided in section twenty-four of this title, and shall then be re-assessed with interest included

at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the next district tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Rate of  
interest.

Sec. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the City of Holland, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid, shall be sufficient. The special assessment roll, and a certified order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor.

Action of  
assumpsit.

*Prima facie*  
evidence.

Sec. 30. If in any such action it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Irregularities.

Sec. 31. All depot grounds and buildings, roadbeds, right of way in and across the streets and avenues of the city, and other premises within the corporate limits of the city, belonging to any railroad operated by steam, electric or other motive power, or to any railroad corporation, which are necessarily used in the operating of said railroads, and the person, company or corporation owning the same are liable for all valid unpaid assessments for local or public improvements or repairs hereafter made within the city and assessed against the same; but no lien shall attach thereon on account of such assessments, and the payment of such assessments shall not be enforced and collected by sale of said property. Special assessments of such classes of property shall be made in the same manner as the special assessment of other property under the provisions of this title for local or public improvements, and the assessment roll for such local or public improvement taxes shall be *prima facie* evidence in any court of the regularity of all proceedings leading up to the assessment and the making of said roll. **Added by Act 417 of 1907.**

Depot grounds  
liable for  
special  
assessments.

Sec. 32. All special assessments made as aforesaid against the property of railroad companies, and against the owners thereof, for local or public improvements, and all installments thereof, together with the interest, costs and charges thereon for enforcing the collection of the same, are

Special assess-  
ments a legal  
demand  
against rail-  
roads.

hereby made and declared legal demands against each and every one of said railroad or railway corporations or companies against whose property such special assessments are made in favor of the City of Holland; and if any such railroad or railway corporations or companies shall fail to make payment thereof within the time payment is required of such special assessments under the roll in which they are extended, then the City of Holland may institute an action in assumpsit or other proper legal action in any court of competent jurisdiction against the owner or owners of said properties, as provided in section twenty-nine of this title; and if judgment be rendered thereon in favor of the City of Holland, the same may be collected on execution out of any property of said railroad or railway corporations or companies liable to levy and sale on execution. **Added by Act 417 of 1907.**

## TITLE XXVIII.

## FINANCE AND TAXATION.

- Fiscal year.** Section 1. The fiscal year of the city shall commence on the third Monday in March in each year, unless otherwise provided by ordinance.
- Power to levy taxes.** Sec. 2. The council shall have authority within the limitations herein prescribed, to raise annually, by taxation within the corporation such sums of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted.
- Funds.** Sec. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:
- Contingent.** **First,** General fund to defray the general and other expenses of the city, for the payment of which from some other fund no provision is made;
- Fire department.** **Second,** Fire department fund, to defray the expense of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;
- General street.** **Third,** General street fund, to defray the expenses of opening, widening, extending, altering, and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and cross-walks, and for the care thereof, for the payment whereof no provision shall have been made by special assessment;
- Sewer.** **Fourth,** General sewer fund, to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water-courses;

**Fifth,** Bridge fund, for the construction and maintenance of bridges; Bridge.

**Sixth,** Water fund, for maintaining and extending a system of water-works, and constructing reservoirs and cisterns, and providing other supplies of water; Water.

**Seventh,** Public building fund for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such public buildings, city hall, offices, prisons, watch houses, and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for; Public buildings.

**Eighth,** Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrests and punishment of those violating the ordinances of the city; Police.

**Ninth,** Cemetery fund;

**Tenth,** Interest and sinking fund, for the payment of the public debt of the city and interest thereon; Interest and sinking.

**Eleventh,** Library fund, for the maintenance, extension and support of the public library; Library.

**Twelfth,** Park fund, for the purchase of grounds for public parks and for the maintenance and improvement thereof; Park.

**Thirteenth,** Light fund, for the construction, purchase and maintenance of electric or other lights; Light.

**Fourteenth,** Such other funds as the common council may from time to time constitute. Other funds.

Sec. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

**First,** A street district fund, for each street district, for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district; Street district.

**Second,** A district sewer fund for each main sewer district, for the payment of the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts; District sewer.

**Third,** Special assessment funds; any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improving, sprinkling, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised. **As amended by Act 417 of 1907.** Special assessment.

Sec. 5. The aggregate amount which the council may Amount of general tax.

raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation and for all purposes for which the several general funds mentioned in section three of this title are constituted (exclusive of taxes for schools and school house purposes), shall not, except as herein otherwise provided, exceed in any one year, while the population shall be less than six thousand within the city, one and one-fourth per cent; when the population shall exceed six thousand, it shall not exceed one and one-half per cent on the assessed valuation of all the real and personal property in the city made taxable by law.

Interest and  
sinking fund.

Sec. 6. The council may also, in addition to the amount provided for in the above section, raise such further sum annually, not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund, to pay the funded debts of the city and the interest thereon.

Expenses  
by tax.

Sec. 7. The council may also raise by tax in each street district, for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent of the assessed valuation of the taxable real and personal property in the district.

Other  
amounts,  
addition to.

Sec. 8. In addition to the above amounts the council may raise by special assessments in sewer districts and special assessment districts, for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year for any one improvement fifty per cent on the assessed valuation of any lot or premises in any such sewer district, or special assessment district, as the case may be, in accordance with provisions of section five, title twenty-seven of the act of which this act is amendatory. **As amended by Act 417 of 1907.**

Tax for  
private drain.

Sec. 9. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

Estimate of  
expenditures.

Sec. 10. It shall be the duty of the council to cause estimates to be made in the month of September in each year, of all the expenditures which will be required to be made from the several general funds of the city during the then fiscal

year, for the payment of interest and debts to fall due, for the payment of any deficiency, if any, for the past year, for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during the fiscal year, in working upon, improving and repairing the streets in the several street districts of the city.

Sec. 11. The council shall also in the same month determine upon the amount, or part of any special assessments which they require to be levied or re-assessed in the next general tax roll of the several supervisor districts of the city, upon lands in any main sewer or special assessment district, or upon any parcel of land or against any particular person as a special assessment. For deficiencies.

Sec. 12. The council shall also, in the said month of September, pass an ordinance to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the then fiscal year, payable from the several general funds, and from the street or sewer district funds as estimated and determined upon as provided in section ten of this title, and order the same, or so much of said amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street or sewer district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and seven of this title, to raise by general tax during the year. The council shall specify in such ordinance the amount appropriated for each of the general funds and street or sewer district funds. The council shall also designate in the appropriation bill the amount or part of any special assessment, or other sum which they require to be levied or re-assessed with the next general tax, as mentioned in section eleven of this title, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof: Provided, however, That when the entire cost of such improvement shall not exceed the sum of three thou- Annual appropriation.



sand dollars it shall not be necessary to designate such improvement in said appropriation bill. **As amended by Act 427 of 1899.**

Appropriations to be certified to board of supervisors.

Sec. 13. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, and all amounts reported to the council by the board of education, to be raised for schools and school house purposes, as provided in this act, shall be certified by the city clerk to the clerk of the board of supervisors of the county on or before the first Monday of October. And all sums ordered in said bill to be levied or re-assessed in street or sewer districts, or as special assessments, shall be certified at the same time to the supervisors of the several supervisor districts in which the lands thus to be re-assessed are situated, as provided in title twenty-seven, and all such sums shall be levied and collected with the state and county taxes next thereafter to be levied in the several supervisor districts of the city.

Further sum not to be raised except by vote of electors.

Sec. 14. No greater amount shall be used, raised, or appropriated by the council during any year, nor shall any further liability be incurred or created for the purpose of erecting public buildings, or for the purchase of grounds therefor, or for any other public improvements or purposes to be paid for from any general fund or street district fund of the city, than can be raised by the council under the foregoing provisions of this title, unless the proposition to raise or appropriate such amount, shall be submitted at an election called or designated for that purpose, as hereinafter provided. But this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from loaning the money therefor.

Improvement not to exceed appropriation.

Sec. 15. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered, commenced, or contracted for, nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

Work to be paid for from tax for that purpose.

Sec. 16. No public work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment levied or to be levied for such purpose.

Money raised by loan or tax.

Sec. 17. Instead of levying a tax for the whole amount authorized by this act to be raised in any year for the purposes of the general and street district funds the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: Provided, That the aggregate amount of taxes and

Proviso.

loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Sec. 18. The council shall also have authority to raise <sup>Money raised by loan.</sup> moneys by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied, and issue the bonds of the city therefor, bearing interest at a rate not exceeding six per cent per annum, with interest coupons attached, both principal and interest of such bonds to be paid out of the fund established in connection with such improvement: Provided, That such loan shall not exceed the amount of the assessment for the completion of the whole work. Or, for the purpose of meeting such costs of improvement, in anticipation of the collection of assessments and taxes to defray the expense and costs thereof, as above provided, the common council may, by resolution, authorize the borrowing of a sum of money equal to the amount of the cost of the whole improvement and not exceeding fifty thousand dollars in any one year, and to issue the bonds of the city therefor, bearing interest at a rate not exceeding six per cent per annum, with interest coupons attached. Said bonds shall be made payable in equal amounts each year for a period not exceeding five years from the time of issuing them. Said bonds shall be called "Street Improvement Bonds," and the same shall not be sold for less than par. The proceeds of said bonds shall be paid to the city treasurer and placed to the credit of the Street Improvement Bond Fund, which fund is hereby created and established. Such bonds shall be paid at maturity and shall not be re-issued or refunded. **As amended by Act 417 of 1907.**

Sec. 19. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of grounds therefor, or for other public improvements or purposes, to be paid from any general fund or street district fund of the city, that can be raised by the council under the foregoing provisions of this title, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election or special election called for such purpose. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding assessment rolls made therein. <sup>Greater amount raised by electors.</sup>

Sec. 20. The proposition to raise such additional amount shall be submitted to a vote of the electors, by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised <sup>Proposition to be submitted to vote.</sup>

100

Vote to be  
published.

therefor, and whether by tax or loan. Such ordinance or resolution shall be adopted by the council and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot, and shall be deposited in a separate ballot box.

Funds to be  
kept separate.

Sec. 21. All moneys and taxes raised, loaned or appropriated for the purpose of any particular fund shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the general fund.

Money, how  
drawn.

Sec. 22. No money shall be drawn from the treasury, except in pursuance of authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

When warrant  
not to be  
drawn.

Sec. 23. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund (excepting bonds given for loans herein authorized), and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

Loans, etc.

Sec. 24. No loan shall be made by the council, or by its authority, in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, signed by the mayor and clerk, bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase, the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs and from what fund it is payable.

## ASSESSMENT AND COLLECTION OF TAXES 101

Sec. 25. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city and the accounts also as far as practicable of all persons having claims against the city or accounts with it not previously audited; and shall make out a statement in detail or in condensed form, as the council may deem best, of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes and the amount raised for each fund; the amounts levied by special assessments and the amounts collected on each, and the amount of money borrowed and upon what time and terms and for what purpose; also the items and amounts received from all other sources during the year and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city and to whom payable and with what rate of interest, the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of the financial concerns of the city. **As amended by Act 427 of 1899.**

Council to audit and settle claims.  
Statement.

Sec. 26. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk and a copy thereof published in one of the newspapers of the city at least five days previous to the next annual city election.

To be filed and published.

Sec. 27. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property, may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction may be punished by fine not exceeding one thousand dollars or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court.

Misappropriation of funds.  
Penalty.

### TITLE XXIX.

#### ASSESSMENT AND COLLECTION OF TAXES.

Section 1. The supervisor of each supervisor district shall in each year make and complete an assessment of all the real and personal property within his respective district

Supervisor to make assessment.

liable to taxation under the laws of this state, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the state, and in so doing, shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within his respective district shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

When person  
resides in city  
part of time.

Sec. 2. If any person residing in the city a part of the time during the year shall, in the opinion of the supervisor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or is liable to taxation elsewhere than in said city, the supervisor of the district in which such person resides shall, notwithstanding, assess such person for such amount of personal property, as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer or officer requiring payment of such tax a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year, to such other collector or receiver of taxes.

Personal prop-  
erty to be as-  
sessed where  
found.

Sec. 3. All personal property found in any supervisor district may be assessed therein, whether the owner thereof resides in such district or elsewhere. If there shall be any doubt as to the district in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the district in which the assessment shall be made; and any assessment so made shall be conclusive as to the liability of such person to be assessed in such district for said property.

Supervisors to  
make equal-  
ization.

Sec. 4. For the purpose of assessing all property equally in the whole city the supervisors of the several districts shall meet and confer together from time to time while making their assessments, and equalize their valuations in such manner as may be just.

Board of  
review.

Sec. 5. The supervisors of the several districts, the mayor, city attorney, and one member to be appointed annually by the common council, shall constitute a board of equalization and review of the general assessment rolls of the several districts of the city, three of whom shall constitute a quorum for the transaction of business, but a less number may

adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services each member of said board shall receive three dollars per day. If on such examination they shall deem the valuations of the several supervisor districts to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any district such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; and the amount added to or deducted from the total valuation in any supervisor district shall be so stated in the certificate attached to the assessment roll of such district; and all taxes for state, county, school, general city and sewer purposes shall be apportioned according to said equalization, in the manner hereinbefore provided; and such equalization shall not be changed with regard to the relative valuation of the several districts of the city: Provided, That in equalizing the assessed valuation of all the real and personal estate of the county the board of supervisors of the County of Ottawa shall equalize the City of Holland as a unit, the same as the several townships of the county are equalized. **As mended by Act 417 of 1907.**

Power and duties.

Compensation.

Sec. 6. The said board shall meet on the last Monday in May in each year, at the council room in said city, at nine o'clock in the forenoon, of which time and place notice shall be given by the clerk at least two weeks prior to the time of meeting, by publishing a notice thereof in one of the newspapers of said city, and also by posting the same in three public places in each ward of said city, at which time and place the several supervisors shall submit to said board their respective general assessment rolls. They shall select one of their number as chairman, and shall continue in session at least four days successively, and as much longer as may be necessary, and at least six hours in each day during said four days or more; and any person or persons desiring so to do, may examine his, her, or their assessment on said rolls, and may show cause, if any exists, why the valuation thereof should be changed; and said board shall decide the same, and their decision shall be final. They may examine on oath any person touching the matter of his or her assessment, and

Meeting of board.

Notice of.

Duties.

Oath.

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Record.

the chairman or any member of said board may administer oaths. They shall keep a record of their proceedings, and all changes made in said rolls, and the amount added to or deducted from the total valuation in each district shall be entered upon such record, which record shall be deposited with the city clerk, who shall be clerk of the board. The decision of a majority of the members of said board upon all questions shall govern. The rolls as prepared by the several supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said board shall have the same powers and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review shall have completed the revision of said rolls, the clerk shall endorse and sign a statement upon each roll, to the effect that the same is the general assessment roll of the district to which it applies, for the year in which it has been prepared, as approved by the board of review. Such statement may be in the following form, viz.:

Statement,  
form of.

STATE OF MICHIGAN, } SS.  
CITY OF HOLLAND,

I hereby certify that the board of review and equalization of the City of Holland have reviewed, equalized and corrected the within assessment roll, and have deducted (or added, as the case may be)..... dollars from (or to, as the case may be) the valuation of the real estate made by the supervisor, and have determined the aggregate value of such real estate to be ..... dollars, and the total value of the personal estate to be .....dollars for the year A. D. 19....

Dated, Holland, .....

.....

Clerk of the Board of Review.

Rolls to be re-  
turned to su-  
visors.

Upon the completion of such rolls, and their endorsement in manner aforesaid, they shall be returned to the several supervisors, and shall be exclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general laws of the state, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

Sec. 7. Within sixty days after the confirmation of such rolls, as above provided, each supervisor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council.

Supervisor to deliver copy of roll to city clerk.

Sec. 8. On or before the first Monday of October in each year the city clerk shall certify to the county clerk of Ottawa county the aggregate amount of all sums which the council require to be raised for the year for all city purposes, and for schools and school house purposes, by general taxation upon all the taxable property of the whole city.

Clerk to certify.

Sec. 9. The board of supervisors of the county shall apportion the amounts to be raised as mentioned in the preceding section, between the supervisor districts of the city, according to the equalized valuation of the property appearing upon the certificate of the several assessment rolls of the city for such year, as finally equalized by the board of supervisors, and the clerk of said board shall certify to the supervisor of each district, for assessment therein, the amount so apportioned to his district; giving the amount apportioned for school and school house purposes in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in the county for the year. Said clerk of the board shall also certify to the city clerk the amounts apportioned to the several districts of the city, as aforesaid.

Supervisors to apportion taxes to district.

Sec. 10. On or before the first day of October in each year, the city clerk shall certify to the supervisor of each district for assessments therein, all amounts which the council require to be assessed or re-assessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment or otherwise within his district, together with a designation of the district, or description of the land or person upon or within which the several sums are to be assessed or re-assessed, with such further descriptions and directions as will enable such supervisor to assess the several amounts upon the property and persons chargeable therewith.

Clerk to certify to supervisor.

Sec. 11. Each supervisor, at the time of levying state and county taxes in his district for the year, shall levy in the same roll upon all the taxable property in the district the amounts certified to him by the clerk of the board of supervisors, as provided in section nine of this title, to be raised for city and school purposes, placing the city taxes in one column and the school taxes in another column; and he shall also levy in the same roll, upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the city clerk, as provided in this act, for

County and state tax to be levied in same roll.



assessment or re-assessment, in street districts, main or special sewer districts, or for other special assessment, placing all such taxes in a column of special assessments, and shall place the state and county taxes also in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column, and a collection fee of five per cent on the tax entered in another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

Supervisor to  
certify to  
clerk.

Bond.

Certified copy  
of.

What warrant  
shall state.

Tax to be a  
lien.

Treasurer to  
give notice  
when taxes  
can be paid.

Collection fee.

Publication of  
notice.

Sec. 12. Each supervisor, upon completing his roll, shall certify to the city clerk the amounts of taxes levied in the roll for state and county purposes, and for city and school taxes, special assessments and other purposes, and for collection fees; and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, each supervisor shall deliver a certified copy of the tax roll, with the taxes extended therein as aforesaid, to the city treasurer, with his warrant for the collection of the taxes therein annexed thereto.

Sec. 13. The warrant annexed to such roll shall state the several amounts levied therein to be paid into the school, city and county treasuries, respectively; and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, remitting upon all taxes paid before the first day of January next thereafter the percentage added for collection fees, and to pay over and account for all moneys collected and specified in the roll, as in said warrant directed, on or before the first day of February then next; and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Sec. 14. All taxes levied in any such district tax roll shall be and remain a lien upon the lands upon which they are levied until paid.

Sec. 15. Upon receiving the several district tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office, at any time before the first day of January then next, without any charge for collection, but that five per cent collection fees will be charged and collected upon all taxes remaining unpaid on said first day of January. Said notice shall be given by publishing the same twice in one of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be

the duty of the treasurer to be at his office at such times, previous to said first day of January, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said first day of January; but in all other cases he shall collect both the tax and percentage for collection added in the roll. All such percentage for fees collected by him shall be placed into the city treasury to the credit of the general fund. The treasurer shall, on or before the first Monday in January of each year, make and file with the city clerk a sworn statement, setting forth the total amount of taxes collected by him on the several district tax rolls of the city prior to the first day of January, and also the total amount of taxes remaining unpaid on said date.

Shall remit fees.

Sworn statement.

**As amended by Act 417 of 1907.**

Sec. 16. For the collection of all taxes remaining unpaid on the first day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

Collection of taxes unpaid the same as in townships.

Sec. 17. The city treasurer may, and it shall be his duty, to proceed by suit in the name of the City of Holland for the collection of unpaid taxes in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and the evidence therein brought by township treasurers in the name of their township for such purposes shall apply to suits brought by the city treasurer as aforesaid.

Treasurer, duty of.

Sec. 18. For the purpose of assessing and levying taxes in said city, for state, county and school purposes, each supervisor district shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the several supervisors in the city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

Supervisor district the same as township.

Duty of treasurer.

Sec. 19. The city treasurer shall, within one week after the time specified and directed in the warrants annexed to said several tax rolls, pay to the county treasurer the sums required in said warrants to be so paid, either in delinquent taxes or in funds then receivable by law, and all lands upon

City treasurer to pay to County treasurer.

which any unpaid tax shall be returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

Delinquent  
taxes.

Sec. 20. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in the several supervisor districts of the city, and returned as delinquent to the county treasurer; and each supervisor district of the city, in respect to taxes levied therein and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the payment of taxes levied for state, county and township purposes, and returned delinquent, shall apply to the return and sale of property, for the non-payment of delinquent taxes levied in each supervisor district of the city, except as herein otherwise provided.

## TITLE XXX.

### EDUCATION.

School dis-  
trict, powers  
of.

Section 1. The City of Holland shall constitute a single school district. Such school district shall be a body corporate, by the name and style of the "Public Schools of the City of Holland," and shall possess the usual powers of corporations for public purposes; and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased or acquired by this act.

Board of edu-  
cation.

Sec. 2. The board of education of said Public Schools of the City of Holland shall consist of nine school trustees, who shall be elected in such manner, and for such term as is hereinafter prescribed: Provided, That the first board of education shall consist of the mayor of the city and the six school inspectors in office at the time of the passage of this act, who shall continue to constitute such board of education until the first Tuesday of May, A. D. one thousand eight hundred and ninety-three, and until their successors are elected and have qualified. The terms of office of the school inspectors whose

Proviso.

Term of office

terms expire on the first Monday in April, of the years one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four and one thousand eight hundred and ninety-five, respectively, are hereby extended and continued until the first Tuesday in May of the several years in which said terms so expire respectively; and every school inspector heretofore elected and in office at the time of the passage of this act shall continue in office as a school trustee under the provisions of this act for the full term for which he was elected, and until the expiration of the time to which his said

term has been extended under the provisions of this section. Each of said school inspectors shall, after the said first Tuesday in May, A. D. one thousand eight hundred and ninety-three, be known and designated as a school trustee.

Sec. 3. The regular annual election of school trustees shall be held on the second Monday of July in each year. The term of office of the present school trustees shall be extended from the first Tuesday of May in each year in which the terms now expire to the second Monday in July of such year respectively. Three school trustees shall be elected annually for the term of three years, from the second Monday in July of the year when elected, and until their successors are qualified and enter upon the duties of their offices. **As amended by Act 500 of 1905.**

Sec. 4. Such annual election of school trustees as above provided, shall be held at such place in said city as the board of education shall designate. The polls shall open at two o'clock in the afternoon and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall be by ballot, and shall, except as herein otherwise directed, be conducted in all respects in the manner provided by law for conducting the election of officers in graded school districts. Notices of the time and place of holding said election shall be given by the secretary of the board, at least ten days before said election, by posting such notices in three of the most public places in each ward of the city and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election.

Sec. 5. The president and secretary of the board of education and one other trustee, to be designated by the board, shall constitute a board of inspectors of such election, and if any of said three trustees shall not be present at the time of the opening of the polls or remain in attendance, the electors present may choose **viva voce** such number of such electors as with the trustees present shall constitute a board of three inspectors of such election. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election. The president of the board shall be chairman of the board of inspectors; in his absence the inspectors shall elect another of their number as such chairman. Every person shall be entitled to vote at such election who is a qualified voter of the City of Holland or qualified by the laws of the state to vote at any election for school officers. The board of inspectors shall have the same authority and powers in maintaining and enforcing order and obedience to their lawful commands at such elections and

Trustees.

Term of office.

Election,  
where held.Notice of elec-  
tion.Board of in-  
spectors.

Oath of.

Who entitled  
to vote.Inspectors'  
powers.

during the canvass of the votes as are conferred by the general laws of the state upon school officers in similar cases.

List of elect-  
ors to be  
made.

Sec. 6. The board of inspectors shall make a list of the names of persons voting at such election. They shall also have the right of access to the registration books of the several wards of the city, and for that purpose it shall be the duty of the city clerk to attend said election with such registers.

Board to  
count votes.

Sec. 7. When said polls shall be finally closed, the board of inspectors shall proceed publicly to count, determine and declare the number of votes cast and for whom, and shall on the same or on the next succeeding day make up and sign a statement in writing showing the names of all persons who shall have voted at such election, the whole number of votes cast, and the number of votes cast for each person for whom votes were cast, which statement, together with the minutes and other papers of the election, shall be filed with the secretary of the board of education. The person or persons who shall have received the highest number of votes for such office of trustee for the several terms designated upon the ballot, shall be declared elected, and if two or more persons shall receive an equal number of votes where only one trustee is to be elected, said inspectors shall choose one of such persons, by lot, as such trustee. The ballots shall, when the vote shall have been declared, be returned to the box, and the box be locked and sealed and deposited with the secretary at the time of the filing of said statement. Every person so declared elected to the office of school trustee, under the provisions of this act, shall, within five days after such election qualify, by taking and subscribing the required oath of office and file the same with the secretary of the board of education.

Who declared  
elected.

Ballot box.

Board of edu-  
cation to pay  
expenses of  
election.

Sec. 8. The board of education shall pay all the expenses of such election from the contingent fund of the district, and shall allow each inspector of election the same compensation as is allowed by this act to inspectors at city elections.

Meeting of  
board.

Sec. 9. At the first regular meeting of the board after each annual election, the board shall elect from their own number a president, and they shall also at such time elect a secretary, who may or may not be a member of the board, and whose duties shall be fixed and prescribed by the board: Provided, That whenever a secretary shall be elected who is not a member of the board, he shall have no vote therein. They shall meet from time to time, as they may determine, for the transaction of business, and shall keep a record of all their proceedings. The city treasurer shall be the treasurer of the public schools, as hereinbefore in this act provided.

Proviso.

Sec. 10. The board of education shall have the control and management of the property, interests and affairs of the district, and of the schools organized or that may be organized therein. Said board of education shall have and exercise all the powers conferred upon the district boards and boards of trustees of school districts, by the primary school laws of this state. They shall establish and maintain such primary and graded schools as the public interest may require; and when deemed expedient, shall establish and maintain a high school, for instruction in the higher branches of education, authorized by the school laws of the state. The schools of the district shall be public, and free to all children between the ages of five and twenty years residing within the city; and shall be taught for such length of time, at least, during each year, as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid.

Board to have management of district property.

Schools, to whom free.

Sec. 11. The board of education shall appoint and employ a superintendent, and the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to pupils not resident in the city, make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year, adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education.

Board to appoint teachers, etc.

Sec. 12. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for school houses in the district as may be necessary, and to purchase and procure the lands therefor; and to erect and maintain thereon, in proper repair, convenient and suitable school houses and buildings for the use of the public schools, and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools; and may sell and dispose of any lands and property of the district, when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property, and improvements of the district; and the common council of the city shall also pass all necessary ordinances for that purpose.

Idem.

Sec. 13. The board shall cause a census to be taken annually of all the children between the ages of five and twenty years, residing in the district, within the time and in the

Census.

District  
library.

manner required by law, and report the same and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys, which said library moneys, when received, shall be applied for the support of the public library of the city. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township; and said Board shall be entitled to receive from the county treasurer or other officer, for the use of the public schools and public library of the city all moneys appropriated or apportioned to the city for primary schools and district libraries.

Board shall  
publish re-  
ceipts and ex-  
penditures.

Sec. 14. The board shall, in the month of August in each year, publish in at least one of the newspapers of the city, a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amounts of salaries paid to officers, teachers and employes and to whom paid, the obligation incurred during the year, the amount of indebtedness outstanding, and to whom payable, the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued by them; and also the estimates required to be made of the expenditures for grounds and buildings and for the support of the schools for the ensuing year, and the items thereof, all of which shall be recorded with the proceedings of the board.

Board to esti-  
mate and re-  
port.

Sec. 15. The board shall also make and deliver to the common council, annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs, and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings and for all purposes of expenditure which the board is authorized or required to make during the current year, specifying the different objects of expense as particularly as may be; which sums so reported the council shall cause to be raised by tax upon all the taxable property in the city, with the general city taxes next thereafter to be raised: Provided, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness and interest incurred for such purposes, shall not exceed one per cent; and the amount for the support of the schools, and for all the other purposes above mentioned, shall not exceed one and one-half per cent on the dollar of the taxable valuation

Proviso.

of the real and personal property in the city, as shown by the several assessment rolls of the current year.

Sec. 16. For the payment of current expenses the board may borrow from time to time in anticipation of the collection of taxes levied, or herein authorized to be levied during the same year for school purposes, such sum not exceeding the tax, and to be paid therefrom as they shall deem expedient. For the purchase of grounds and the erection of school buildings, and for the payment of indebtedness and interest incurred for such purposes, the said board may, in addition to all other sums herein authorized to be raised, borrow, from time to time, upon such terms and time as they shall find expedient, any sum, not exceeding in any one year one per cent of the taxable valuation of the property in the district. For any sums borrowed, and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

Board to pay expense.

Sec. 17. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections, such sum, not exceeding one per cent of the taxable valuation of the property in the city as shown by the several assessment rolls of the current year, may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the qualified electors of the district present at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in five of the most public places in each ward of the city at least two weeks before the meeting.

A majority vote of electors to raise a greater sum.

Notice to be given.

Sec. 18. The treasurer shall give bond to the public schools of the city in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school moneys receivable from the county treasurer and from the collection of taxes, and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose except upon the warrant drawn by the secretary, countersigned by the president of the board. Any officer or person paying to the treasurer any money belonging to the public schools, shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

Treasurer to give bond.

Sec. 19. The secretary of the board shall receive such annual compensation for his services as such officer, as the

Secretary, compensation or.



board shall determine; otherwise no member of the board shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Property to  
belong to dis-  
trict.

Sec. 20. All the school buildings, property and effects situated within the city at the time of its re-incorporation under this act, shall, upon such re-incorporation, be vested in, and be the property of the district herein designated as the "Public schools of the City of Holland;" and all the debts and liabilities of "fractional school district number one" of the Township of Holland, shall be the debt of and be paid by the public schools of the City of Holland. Any tax levied and uncollected in any such former district, shall be collected and enforced in the same manner as if such new incorporation had not taken place, and when collected shall be paid to the treasurer of the public schools.

Books, records,  
etc.

Sec. 21. All the books, records, papers, moneys, school furniture, and all other personal property heretofore belonging to fractional school district number one, of the Township of Holland, are hereby declared to be property of the public schools of the City of Holland, and shall be transferred and delivered to the board of education by the trustees of said fractional school district: Provided, however, That for a period of five years from and after the passage of this act the school children residing upon the territory in the County of Ottawa heretofore comprising a part of said fractional school district number one and not incorporated into the district created by this act, shall be allowed free access to and the use of, the public schools of the City of Holland without charge or fees for tuition. And at each annual school census during said five years all such children falling within the school census and residing upon such territory as aforesaid shall be enumerated in the school census of the school district created by this act.

President and  
secretary,  
other duties.

Sec. 22. The president and secretary of the board of education shall, in addition to their other duties as officers of such board perform such duties in and for the city and for the public schools of the City of Holland as is required of school inspectors elected in townships, so far as such duties are applicable, and shall be required under this act.

Vacancies.

Sec. 23. All resignations of trustees shall be made to the board of education, subject to their approval and acceptance. The board shall have power to fill any vacancies that may occur in their number until the next annual election.

## TITLE XXXI.

## MISCELLANEOUS.

Section 1. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the day of appearance mentioned therein. All process to run in name of city.

Sec. 2. No lands or premises shall hereafter be laid out, divided and platted into lots, streets, and alleys within the city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan, and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of register of deeds, until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys excepting such as the council shall accept and confirm by ordinance as provided in this act. Council to approve plats, etc.

Sec. 3. When, by the provision of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same is published, or by some person in his employ having a knowledge of the facts, if such notice was required to be by publication, or by the person posting the same, when required to be by posting, and filed with the city clerk, or any other competent proof of such facts, shall in all courts and places [be] by presumptive evidence of the facts therein contained. It shall be the duty of the city clerk to see that all such affidavits are duly made and filed. Proof of publication. Proof to be filed.

Sec. 4. The City of Holland, by this act of re-incorporation, shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to the City of Holland as formerly incorporated. Real and personal property.

Sec. 5. All the officers of the city, elected or appointed under the provisions of the former act of incorporation of the City of Holland, and now in office, shall continue to exercise their respective functions under the provisions of this act of re-incorporation for the full term for which they were Officers to continue in office.

so elected or appointed, and until their successors shall have qualified and entered upon the duties of their office, unless herein otherwise provided for.

By-laws to remain in force.

Sec. 6. The by-laws [and] an ordinances of the City of Holland and the rules and regulations of the common council and of the board of health of said city heretofore in force and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be re-enacted, by virtue of and under the powers conferred by this act, until altered, amended or repealed by the common council or the board of health, as the case may be.

Special assessment.

Sec. 7. In cases where a special assessment has been made by authority of and confirmed by the common council, and the same, or some part thereof, shall not have been collected when this act shall take effect, the City of Holland, as hereby re-incorporated, shall have authority to enforce the payment thereof, and the same proceedings may be had therefor as are provided in this act.

Licenses.

Sec. 8. All licenses granted by the city under the former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted.

City government to continue as before re-incorporation.

Sec. 9. After the re-incorporation of the city, under the provisions of this act, the government and affairs of the former corporation shall continue and proceed as before. The passage of this act shall not invalidate any act already done, right accrued or acquired, proceeding had under and by virtue of any law of this state, in relation to the City of Holland or the council or any officer thereof, or under and by virtue of any ordinance, by-law, regulation or resolution passed or adopted by the common council of said city, but the same shall be and remain as valid for all purposes as if this act had not been passed; and all proceedings heretofore commenced under and by virtue of any law for the incorporation of said city or under and by virtue of any ordinance or by-law of said city and now pending or not yet completed, shall remain valid and be completed in the same manner and with the same effect as if this act had not been passed; and all bonds, obligations, evidences of debt and indebtedness due or owing to the City of Holland or to the common council thereof, may be collected and prosecuted for and enforced by the corporation hereby created by the name of the City of Holland.

Bonds and obligations.

Officers, election of.

Sec. 10. The first election of officers for the new corporation under the provisions of this act shall be held on the first Monday in April, A. D. one thousand eight hundred and ninety-three, and notice thereof and of the officers to be elected thereat, shall be given and the election held and con-

ducted, the votes canvassed, the result determined, and notice given to persons elected, in the same manner and within the same time as herein provided.

Sec. 11. The registers of election for the first, second, third and fourth wards of the former corporation shall be, and are hereby declared to be the registers for such several wards of the city as hereby re-incorporated; and it shall not be necessary for any elector whose name appears on the register of the ward of which he is an elector, to re-register. The common council shall appoint a board of registration in and for the fifth ward of the city for the first registration of the electors of said ward, which board shall meet at such time and place and shall perform such duties as are prescribed in section three of title two of this act. Registers of election for wards.

Sec. 12. Act number three hundred and two of the session laws of eighteen hundred and seventy-five, entitled, "An act to amend an act entitled an act to amend an act entitled an act to revise the charter of the City of Holland, being amendatory of an act entitled an act to incorporate the City of Holland, approved March twenty-fifth, eighteen hundred sixty-seven, approved March twenty-third, eighteen hundred seventy-one, which became a law April second, eighteen hundred seventy-three," approved April first, eighteen hundred seventy-five, and all the acts amendatory thereto, are hereby repealed. Act amended.

This act is ordered to take immediate effect.

Approved March 8, 1893.







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